# Rules and Orders under Bombay Act III of 1888.

## (*Bombay Municipality.*)

### THE BOMBAY MUNICIPAL PENSION REGULATIONS.

*Government Resolution, General Department, No. 950, dated 20th March 1893.—*

Confirming the following Regulations :—

### REGULATIONS.

[*Framed by the Standing Committee of the Municipal Corporation under Section 81, clause (f), of the City of Bombay Municipal Act 1888, and confirmed by the Corporation on the 5th day of December 1892, and by Government on the 20th day of March 1893 for determining the conditions under which certain Municipal Officers and Servants shall, on retirement or discharge, receive pensions, gratuities or compassionate allowances, and under which the widows or other relations dependent on any of the said officers and servants shall, after their death, receive compassionate allowances, and the amounts of such pensions, gratuities or compassionate allowances.*]

Regulations supersede previous rules and are subject to repeal, modification, &c.

1. These regulations, save as hereinafter expressly provided, are in supersession of all previous rules or regulations relating to pensions, gratuities or compassionate allowances to Municipal Officers and Servants, or to compassionate allowances to the widows or other relations dependent on such officers and servants, and the same are subject to repeal, modification or alteration by any future regulations which may hereafter be duly made and confirmed under clause *(f)* of Section 81 of the City of Bombay Municipal Act, 1888, or any other law which may hereafter be in force in that behalf.

#### PENSIONS AND GRATUITIES.

Municipal Officers, &c., who are eligible to contribute.

2. With the exception of the several Municipal Officers and Servants designated or described in the schedule annexed to these regulations, every Municipal Officer or Servant who may hold or have a lien upon any permanent office or appointment distinctly specified and provided for in the annual budget estimate for the time being in force and paid for out of the Municipal revenues shall, subject to any special conditions hereinafter prescribed in regard to age fitness for service or otherwise, be deemed to be eligible to contribute and qualify for pension under these regulations.

Officers, &c., designated in schedule ineligible to contribute.

None of the Municipal Officers or Servants designated or described in the schedule annexed to these regulations shall be deemed to be so eligible save that, in the case of an Officer or Servant whose office or appointment is paid for out of capital, the Corporation may, by special Resolution in each case, permit any such Officer or Servant to contribute on the same footing as if he were an Officer or Servant holding a permanent office or appointment paid out of the Municipal revenues.

3. No Officer or Servant who has not already contributed for pension under the rules heretofore in force relating to pensions (hereinafter referred to as "the Old Rules") shall be permitted to contribute under these regulations, unless at the time of notifying his desire he shall have been examined by the Medical Examiner, Medical Board, or other medical authority for the time being appointed for that purpose by the Standing Committee (hereinafter referred to as the medical authority), and shall have been certified to be fit for service, and unless he shall, at the time of applying to contribute, be over 20 and under 35 years of age, or if he is over 35 years of age, unless the Standing Committee shall have specially sanctioned his being permitted to contribute.

Limit of age prescribed, and medical certificate required for officers who have not contributed under previous rules.

4. Every Municipal Officer or Servant who, at the date of the confirmation by Government of these regulations (hereinafter referred to as "the date hereof") may be eligible under regulation 2 to contribute and qualify for pension and who shall already have contributed under the Old Rules shall be entitled to elect whether he will continue to contribute under the old rules, or will contribute under these regulations, provided that any such election to contribute under these regulations shall be notified in writing to the Municipal Commissioner within three calendar months from the date hereof. The Old Rules shall continue to be in force only for the purpose of regulating the rights and liabilities of such Officers or Servants as aforesaid as shall elect to continue to contribute under them.

Officers, &c., who are eligible, and have already contributed under previous rules to be entitled to contribute, subject to notifying election to do so.

5. Every Municipal Officer or Servant who may be appointed after the date hereof, and who may be eligible under regulation 2 to contribute and qualify for pension, shall (subject to the provisions of regulation 3) be entitled to contribute under these regulations. Provided that his desire so to do shall be notified in writing to the Municipal Commissioner within three calendar months from the date on which such Officer or Servant shall join his appointment.

Officers, &c., appointed in future, and who are eligible to contribute, to be entitled to do so, subject to age qualification and medical certificate and to notifying their election.

6. Every Municipal Officer or Servant who at the date hereof may be eligible, under regulation 2, to contribute and qualify for pension, but who was not eligible under the Old Rules, shall (subject to the provisions of regulation 3) be entitled, if he so desires, to contribute and qualify for pension under these regulations. Provided that his desire to contribute under these regulations shall be notified in writing to the Municipal Commissioner within three calendar months from the date hereof.

Officers, &c., who are eligible, but were not eligible under former rules, to be entitled to contribute subject to age qualification and medical certificate and to notifying their desire.

7. Every Municipal Officer or Servant who, at the date hereof, may be eligible, under regulation 2, to contribute and qualify for pension, but who, though eligible under the Old Rules, failed to avail himself thereof, shall (subject to the provisions of regulation 3) be entitled, if he so desires, to contribute and qualify for pension under these regulations, provided that he explains to the satisfaction of the Standing Committee the cause of his failure to avail himself of the Old Rules, and that his desire to contribute under these regulations shall

Officers, &c., who are eligible and who, though eligible under previous rules, failed to avail themselves thereof, may subject to age qualification and medical certificate, contribute, if they satisfactorily explain previous omission to contribute and notify their desire.

be notified in writing to the Municipal Commissioner within three calendar months from the date hereof.

Officers, &c., failing to notify are debarred from contributing, but Standing Committee to have discretion to extend time or admit applications after expiration of time.

8. In case of failure on the part of any Municipal Officer or Servant to notify to the Municipal Commissioner within the period limited in that behalf by either of the foregoing regulations, it will be assumed, in the case of an Officer or Servant entitled to an election under regulation 4, that he elects to continue to contribute under the Old Rules, and, in the case of an Officer or Servant entitled to contribute under regulations 5, 6 and 7, that he does not desire to contribute, and, subject as next hereinafter provided, he will be debarred thereafter from contributing under these regulations. Provided, however, that it shall be in the discretion of the Standing Committee in any such case to extend the period so limited as aforsaid, or to admit any application, made after such period shall have expired on reasonable cause for so doing being shown to their satisfaction.

Rates at which, and dates from which, contributions to be levied.

9. Contributions for pension under these regulations shall be levied at the rate of half-an-anna in each rupee of the monthly salary of the Officer or Servant contributing, and such contributions shall be so levied as from the respective dates following, namely :—

Contributions admitted—

Under regulation 4 from the date hereof.
" " 5 from the date of commencement of service.
" " 6 or 7 from date of commencement of service : provided that no such contribution shall be leviable for any period prior to June 1875.

"Monthly salary" meaning of.

The monthly salary of an Officer or Servant shall, for the purposes of these regulations, be understood to be the substantive salary of the permanent office or appointment which such Officer or Servant holds or has a lien on, including any acting allowance, but (save as in regulation 23 provided) not including any personal, house, conveyance, or horse allowance, unless consolidated with, and made part of, his fixed salary.

Contributions are not to be levied on salaries drawn in respect of temporary appointments. The contribution of an Officer or Servent on leave is to be calculated on his leave allowance, and, if in the acting arrangements made in consequence of his absence any substitute be appointed who holds no subsantive appointment in the Municipal Service, a deduction shall be made from the pay of such substitute equal to the additional contribution which such Officer or Servant on leave would have been subjected to if he had not been on leave.

No pension or gratuity payable to officers, &c., who are ineligible, or who have not availed themselves of right to contribute.

10. No pension or gratuity shall be payable to any Officer or Servant who, under regulation 2, may be ineligible, or who, though eligible under that regulation, shall not have availed himself of the right to contribute pursuant to the conditions in that behalf hereinbefore prescribed.

11. Subject as hereinafter provided, a pension or gratuity shall, on his retirement or discharge from Municipal service, be payable to every Officer or Servant who, having contributed under these regulations, shall have attained the age of 55 years, or been duly certified under Regulation 13 as incapacitated for further service, or whose services, shall have been dispensed with in consequence of reduction or reorganization of establishment, and not from any fault of his own. Provided, however, that (except as provided in regulation 23) no pension or gratuity shall be payable to any Officer or Servant who shall not have completed five years' service at the time of such retirement or discharge.

Pension or gratuity to be payable on retirement or discharge to contributors who have attained 55 years of age or been certified as incapacitated, or whose services have been dispensed with for no fault, but pensions or gratuities not payable in respect of less than five years' service.

12. Save, as in this regulation expressly provided, no pension or gratuity shall be payable to any Officer or Servant who shall voluntarily resign the Municipal service before the age of 55 years (unless duly certified under regulation 13 as incapacitated for further service), or to any Officer or Servant who shall be dismissed from the Municipal service for misconduct, nor shall any such Officer or Servant voluntarily resigning or being dismissed as aforesaid be entitled to any refund of contributions theretofore made by him under these Regulations or under the Old Rules. Provided, however, that the Corporation may, if circumstances shall, in their opinion, render it just or proper so to do, treat any particular case as a special case, and by special resolution allow an Officer or Servant who has voluntarily resigned or been dismissed as aforesaid to receive such pension or gratuity as they may think proper, not exceeding the limits prescribed by regulation 15.

No pensions or gratuities to be payable to officers, &c., voluntarily resigning before 55 (unless incapacitated) or to officers, &c., dismissed for misconduct, and no refunds of contributions to be made to such officers, &c.

13. Every Officer or Servant who, being under the age of 55 years, shall apply for permission to retire from Municipal service on pension or gratuity shall be examined by the medical authority, and unless the medical authority shall certify that the applicant is incapacitated for further service and the cause of such incapacity, and that such incapacity is not due to the applicant's own misconduct, his application for pension or gratuity shall be disallowed. Provided, however, that if at the time of making such application the applicant is absent from India on leave or otherwise, a similar certificate by a duly qualified surgeon or physician, countersigned by a Justice of the Peace, Magistrate, or Judge may be accepted in lieu of the certificate of the medical authority.

Officers, &c., under 55 applying to retire on pension, &c., to be examined, and unless certified as incapacitated, application to be disallowed.

14. Applications for permission to retire on pension or gratuity shall be disposed of by the Standing Committee. Every such application shall be addressed to the Municipal Commissioner, by whom the same will be submitted to the Standing Committee, accompanied by (1) a register of service in a form to be prescribed by the Commissioner, (2) the certificate prescribed by regulation 13 in cases in which such certificate is necessary, and (3) a certificate from the Commissioner specifying the period for which the applicant has served, and the Commissioner's opinion as to whether the applicant's character and conduct have been such as to render him deserving of the pension or gratuity applied for. Should the

Applications for pension, &c., to be disposed of by Standing Committee and to be submitted through the Commissioner.

Commissioner be of opinion that the applicant's character or conduct have not been such as to render him deserving of the full pension or gratuity applied for, he shall recommend such lower rate of pension or gratuity as he shall think fitting. The Standing Committee, in disposing of such applications, shall have regard to the rates for pension and gratuities prescribed by regulation 15, but in the case of any recommendation as aforesaid for a lower rate, the Standing Committee shall not have power to increase such rate.

Rates at which pensions and gratuities payable.

15. Pensions and gratuities shall be payable under these regulations at the following rates :—

(*a*) After fifteen years' service, but less than twenty years' service, a monthly pension of one-third of the average monthly salary during the preceding five years of service of the Officer or Servant applying for pension, subject, however, to a maximum limits of Rs. 250 per mensem for pension.

(*b*) After twenty years' service, but less than twenty-five years' service, a monthly pension of five-twelfths of the average monthly salary during the preceding five years of service of the Officer or Servant applying for pension, subject, however, to a maximum limit of Rs. 333-5-4 per mensem for pension.

(*c*) After twenty-five years' service a monthly pension of half of the average monthly salary during the preceding five years of service of the Officer or Servant applying for pension subject, however, to a maximum limit of Rs. 416-10-8 for pension.

(*d*) After thirty years' service a special good service pension of one-twelfth of the average monthly salary during the preceding five years of service of the Officer or Servant applying for pension may, on the recommendation of the Municipal Commissioner and at the discretion of the Standing Committee, be allowed for exceptionally meritorious service in addition to the pension payable under clause (*c*) of this regulation, subject, however, to a maximum limit of Rs. 83-5-4 per mensem for such special good service pension.

(*e*) A gratuity in lieu of pension shall be payable to an Officer or Servant entitled under regulation 11 who shall have completed five years' service but shall not have completed fifteen years' service. Such gratuity shall be calculated upon the basis of the average monthly salary during the preceding five years of service of the Officer or Servant applying for gratuity and shall be equal to one month's salary calculated on that basis for each completed year of service, subject, however, to the maximum limit of twelve months' salary so calculated.

Provided however that, in calculating the average monthly salary of an Officer or Servant for the purposes of this regulation, any reduced salary which he may have received while on leave shall not be taken into account, but the average shall be calculated as if such Officer or Servant had, while on leave, been in receipt of the salary of his appointment which he was drawing immediately before taking leave, and provided also that in the case of an Officer or Servant who during the last five years of his service has, through no fault of his own, drawn a diminished salary, the average shall be calculated on the

monthly salary of such Officer or Servant during those five consecutive years of his service in which his salary may have been highest.

Date from which pension to commence.

16. Pension shall commence from the date of retirement or discharge but if an Officer or Servant to whom a pension is payable shall be on leave and unable to rejoin his appointment, his pension shall commence from the date of the medical certificate under regulation 13, if such certificate is required; otherwise from such date as the Standing Committee shall direct.

What leave to count in calculating period of service.

17. In calculating the period of service of an Officer or Servant, privilege and casual leave and ordinary furlough admissible under the Leave Rules shall count as service, but no other sort of leave shall count.

Service to be continuous.

18. Service in order to count for pension or gratuity must be continuous. Provided (1) that periods (if any) of leave which, under regulation 17, would not count as service shall not be deemed to constitute breaks of service so as to prejudice the continuity of the service preceding and subsequent to such leave, and (2) that should an Officer or Servant whose services have been dispensed with, or who has resigned, be re-employed, it shall be in the discretion of the Standing Committee to condone the break in his service and to allow his former service to count. Provided that he has not received any pension or gratuity in respect thereof, or that, if he has received any such pension or gratuity, he refund it with or without interest as the Standing Committee shall determine. Breaks of service already condoned under the Old Rules shall be deemed to have been condoned under these regulations.

All continuous service, whether prior or subsequent to June 1875 (the date from which contributions were first levied), shall count as service for pension or gratuity.

Service before 20 years of age not to count.

19. Periods of service before the age of 20 years shall not count towards pension or gratuity, but this regulation shall not have retrospective effect.

Period of suspension after re-instatement to be in discretion of Commissioner.

20. In case an Officer or Servant shall be suspended pending an enquiry into his conduct and shall thereafter be re-instated, it shall be in the discretion of the Commissioner to determine whether such suspension shall or shall not constitute a break in the service of such Officer or Servant.

Pensions when and how to be paid.

21. Every pension shall be payable monthly if the pensioner resides in India, or quarterly if he resides out of India. Every pension shall be payable to the pensioner in person or, in case of inability on account of illness or absence from Bombay to attend personally, to some person duly empowered either by power-of-attorney or otherwise, as the Commissioner may direct, to received the same. Provided that in the last mentioned case the person so empowered must, on the occasion of each payment, produce and deposit with the Chief Accountant a certificate signed by a Magistrate, Justice of the Peace, or other Official to be approved by the Commissioner, certifying that the pensioner is personally known to him, and was seen by him alive on or after the date on which the pension becomes payable.

COMPASSIONATE ALLOWANCES.

Compassionate allowance to be paid to widow and children, or other relatives of, and dependent on a contributor who has died in Municipal Service.

22. In case an Officer or Servant who is a contributor under these regulations shall die while in the Municipal Service after he shall have completed five years' service a compassionate allowance, not exceeding a gratuity calculated on the basis prescribed by clause (*c*) of regulation 15, shall be paid to or for the benefit of his widow and children, or, in case he shall have left no widow or children, to or for the benefit of his parents, brothers and sisters, if any, if dependent on him for support.

Or of a pensioner who dies before receiving pension for 12 months.

In like manner, in case a pensioner shall die before he shall have received full twelve months' pension, any balance of such pension up to twelve months shall be paid to or for the benefit of his widow and children, or in case he shall have left no widow or children, to or for the benefit of his parents, brothers and sisters, if any, if dependent on him for support.

Provided that nothing in this or any of the foregoing regulations contained shall be deemed to preclude the Corporation in their absolute discretion from granting a compassionate allowance to any Officer or Servant (whether eligible or ineligible to contribute and whether he has contributed or not) who may have been permanently disabled or seriously injured in the discharge of his duties, or to the widow and children, or, in case he shall have left no widow or children, to the parents, brothers and sisters of any of such Officer or Servant who may have been killed in the discharge of his duties.

## FIRE BRIGADE.

Special provisions applicable in case of contributors belonging to Municipal Fire Brigade.

23. In addition and by way of supplement to the foregoing regulations, the following special provisions shall apply to all Officers or Servants (other than drivers and grooms) who have joined the Municipal Fire Brigade on or since the 1st day of April 1887:—

PENSIONS.

The case of any man who is compelled to retire in consequence of injuries received in the execution of his duties, permanently disabling him from further service in the Brigade, shall be especially considered on its merits by the Standing Committee on the recommendation of the Commissioner, and they shall be empowered to grant him such pension as they shall think fit, whatever his term of service may have been. Provided that such pension shall in no case exceed the maximum admissible under the foregoing regulations including the special good service pension.

In calculating the pension payable to a member of the Fire Brigade, his allowances, if any, shall be taken into account, anything in the foregoing regulations notwithstanding, and notwithstanding that he has not contributed to pension upon those allowances. Provided that such allowances shall not include house-rent now being paid to certain members of the Brigade pending the building of quarters for them.

### PENSIONS AND COMPASSIONATE ALLOWANCES TO WIDOWS, CHILDREN, AND OTHERS.

The compassionate allowances payable to the widows, children, and other persons dependent upon an Officer or Servant who joined the Brigade after 31st March 1887 and dying in the service shall, in all ordinary cases, be those prescribed by regulation 22; but where a member of the Brigade has been killed in, or has died in consequence of, injuries substained in the execution of his duty, the following pensions shall be payable to his widow and children (if any) in lieu of any such compassionate allowance:—

*Chief of the Fire Brigade*—

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| Widow— | ... | ... Rs. 60 per month. |
| Each child | ... | ... „ 15 „ up to 15 years old. |

*Superintendent and Head Engineer*—

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| Widow— | ... | ... Rs. 25 per month. |
| Each child | ... | ... „ 7 „ up to 15 years old. |

*Foreman*—

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| Widow | ... | ... Rs. 20 per month. |
| Child | ... | ... „ 5 „ up to 15 years old. |

*Engineer*—

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|---|---|---|
| Widow | ... | ... Rs. 10 per month. |
| Each child | ... | ... „ 2 „ up to 15 years old. |

*All others*—

| | | |
|---|---|---|
| Widow | ... | ... Rs. 3 per month. |
| Each child | ... | ... Re. 1 „ up to 15 years old. |

Provided that, if the widow marries again, the pension payable to her shall cease.

### OFFICERS APPOINTED FROM ENGLAND.

The widow and children of any officer appointed in England shall, in case of his death, be entitled to second class passage to England in a P. & O. Steamer at any time within twelve months from the date of death.

### SURGEON TO THE FIRE BRIGADE.

The Commissioner shall, as soon as may be, appoint a competent medical practitioner to be Surgeon to the Fire Brigade. He shall receive such emoluments as the Corporation shall, from time to time, determine. He shall be bound to give his services gratis, whenever called upon, to any member of the Fire Brigade, and to furnish such certificates and reports as may be required by any rules for the time being in force or called for by the Commissioner. He shall not be debarred from private practice.

GENERAL.

Disputes and doubts on the construction of the rules to be decided by Standing Committee.

24. All disputes and doubts arising on the construction of, or otherwise in connection with, these regulations shall be referred to the Standing Committee, whose decision thereon shall be final. Provided, however, that the fact of a half-anna contribution having been levied from any item of salary shall, so far as the particular Officer or Servant is concerned from whose salary such contribution has been levied, be conclusive as to the right of such Officer or Servant to pension, gratuity, or compassionate allowance for the period of service represented by such item.

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*Schedule (see regulation 2) of Municipal Officers and Servants who are not to be deemed eligible to contribute and qualify for pension under the foregoing regulations.*

Government Officers and Servants in Municipal employ.

Municipal Officers and Servants contributing to or otherwise qualifying, or qualified, for the benefit of pension or pension rights under any other pension rules than those of the Bombay Municipality.

Municipal Officers and Servants whose time is not exclusively devoted to the duties of their respective Municipal Offices.

Municipal Officers and Servants temporarily employed as such on work paid for out of capital, and having no lien or claim on any permanent office or appointment paid for out of the Municipal Revenues (subject, however, to the provisions of regulation 2).

Municipal Officers and Servants who may be appointed to any new office or employment which may, after the date hereof, be created or established, and which the Commissioner, with the sanction of the Standing Committee, may declare to be a non-qualifying office or employment in the general office establishment.

IN THE GENERAL OFFICE ESTABLISHMENT.

Attendants for supplying water.

Hamals, Plumber, Engine Driver, Firemen and Fitter.

IN THE GARDEN ESTABLISHMENT.

Head Malis, Malis, Cart Drivers, Labourers, Women, Police Ramosis, Keepers (except the Head Keeper), and Sweepers.

IN THE EXECUTIVE ENGINEER'S ESTABLISHMENT.

*On General Supervision and Miscellaneous Duties.*

Officers and Servants in the Workshops Establishment (other than the Foreman, Clerks, Overseer, Draftsman, Time-keeper, Shop-clerk, Ticket-clerk, Gate-keepers, and Peons, Stores Clerk, Stores Mukadam, or Overseer, and Stores Peons, who respectively are eligible to contribute).

IN DRAINAGE DEPARTMENT.

Mukadams, Chaukidars Lascars, Blacksmiths, Plumbers, Carpenters, Masons, Labourers, Halalkhors, Watchmen, Sarangs, Sluicemen, Engine-drivers, Winch-drivers, Firemen, Oilmen, Packers, Fitters, Coalmen, Lightmen, Malis, and care-takers.

IN WATER WORKS DEPARTMENT.

Painters, Blacksmiths, Fitters, Carpenters, Plumbers, Masons, Connection-men, Porters, Line-men, Labourers, Ramosis, Sluicemen, Watchmen, Firemen, Mukadams, Lascars, Cleaners Malabar Hill Reservoir, Maistries, Divers, and servants on the Pawai establishment.

IN STREETS AND BUILDINGS DEPARTMENT.

Lascars, Maistries, Mukadams, Chaukidars, Bhistis, Pipemen, and Persian Wheelmen, Masons, Carpenters, Malis, Labourers, Women, Boys Messenger-peons, Steam-roller Drivers, Steersmen and Firemen.

IN PUBLIC HEALTH DEPARTMENT.

Farriers, Mukadams, Halalkhor Mukadams, Ramosis, Registrars, Birth and Death Karkoons, Attendants at Disinfectors, Cart-drivers, Scavenging Men and Women, Refuse Kilnmen, Drain-cleaning Men and Women, Halalkhors (Men, Women, and Boys), Attendant Hindu Burial and Burning-ground Haines Road, Hearse-drivers, Grave-diggers and Labourers.

IN MARKETS AND SLAUGHTER-HOUSES.

Labourers (Men and Women), Halalkhors (Men and Women), Lamplighter, Gardener, Farrier, Meat-van Drivers, and Cart Drivers.

CLOSING THE CHINESE BURIAL-GROUND AT CURSETJI SUKLAJI STREET.

(1) *General Notn., dated 30th March 1874, B. G. G., 1874, Pt. I, p. 313.*

Extract from the Proceedings of Government in the General Department, No. 920, dated 30th March 1874—

Read Certificate of the Municipal Commissioner of the City of Bombay dated 19th March 1874—

> Under Section 249 of Act III of 1872, I hereby certify, after personal inspection, and upon the evidence of Doctor John Lumsdaine, Sanitary Commissioner, and Doctor T. S. Weir, Health Officer of Bombay, that the Chinese Burial-ground at Cursetji Suklaji Street, Camateepura, is in such a state as to be offensive or dangerous to the health of persons living in the neighbourhood thereof.

RESOLUTION.—In accordance with the above Certificate, His Excellency the Governor in Council is pleased to declare that the abovementioned burial ground shall be closed from the 1st June next.

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CLOSING THE JEWISH BURIAL-GROUND AT GRANT ROAD.

(2) *Notn. No. 5990, General, dated 20th October 1885, B. G. G., 1885, Pt. I, p. 1230.*

Whereas, under the provision of Section 249 of the Bombay Municipal Acts of 1872 and 1878, the Municipal Commissioner for the City of

(1) This Notification, issued under Bombay Act III of 1872, is kept in force by Bombay Act III of 1888, Section 2.

(2) This Notification, issued under Bombay Act III of 1872 and Bombay Act IV of 1878, is kept in force by Bombay Act III of 1888, Section 2.

Bombay has issued the certificate appended hereto and marked A, to the effect that the Jewish Burial-ground situated at Grant Road in the City of Bombay is in such a state that it may be dangerous to health if it continues to be used as a place for the burial of the dead, the Governor in Council is pleased, after making due enquiry, to declare, under the provisions of Section 249 of the aforesaid Acts, that on and after the 23rd December 1885 the said Jewish Burial-ground shall be closed, and that it shall not be lawful to dispose of or permit or suffer any corpse to be disposed of in, upon, within or under the said place or ground; and whoever on and after the 23rd December 1885 disposes of, or causes, permits, or suffers any corpse to be disposed of in, upon, within or under the said Jewish Burial-ground contrary to the provisions of Section 249 of the aforesaid Acts, shall be liable to a fine which may extend to Rupees one thousand for each such offence:—

A.

I hereby certify that upon the evidence of competent persons, *viz.*, of Brigade-Surgeon H. Cook, M.D., F.R.C.P., Principal, Grant Medical College, and of Surgeon D. C. Davidson, L.R.C.P., L.R.C.S., Acting Health Officer, Bombay Municipality, and after personal inspection, I am satisfied that the Jewish Burial-ground situated at Grant Road in the City of Bombay is in such a state that it may be dangerous to health if it continue to be used as a place for the burial of the dead.

The above certificate is issued with the concurrence of the Town Council as required by Section 249 of the Bombay Municipal Acts of 1872 and 1878.

(Signed) H. A. ACWORTH,
Deputy Municipal Commissioner.

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CLOSING A PORTION OF THE BORAH BURIAL-GROUND SITUATE BETWEEN THE GIRGAUM ROAD AND QUEEN'S ROAD.

*Notn. No. 693, General, dated 2nd March 1892, B. G. G., 1892, Pt. I, p. 191.*

Under the provisions of Section 438 of Bombay Act III of 1888, His Excellency the Governor of Bombay in Council hereby directs that the premises hereinafter mentioned, being a portion of certain premises known as the Borah Burial-ground situate between the Girgaum Road and Queen's Road, shall no longer be used for the disposal of the dead:—

On the west it is bounded by a portion of the Borah Burial-ground, on the south by the "Adamjee Peerbhai" Sanitarium, on the east by the Borah Burial-ground, and on the north by chawls, open ground, huts and the old Roman Catholic Burial-ground.

The area of the Burial-ground to be closed is 1,162·38 square yards.

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CLOSING THE JEWISH BENI-ISRAEL BURIAL GROUND AT GRANT ROAD.

*Notn. No. 4586, General, dated 16th August 1898, B. G. G., 1898, Pt. I, p. 737.*

Under the provisions of Section 438 of Bombay Act III of 1888, His Excellency the Governor of Bombay in Council hereby directs that the premises hereinafter mentioned, being the Jewish Beni-Israel burial ground situate at Grant Road, shall no longer be used for the disposal of the dead:

On the north it is bounded by Umarkhádi Sewer Street, now called Bapty Road; on the south by Grant Road; on the west by the Grant Road Hospital sheds and grounds, and on the east by Northbrook Street.

The area of the burial ground to be closed is about 6489 square yards.

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PROHIBITING THE MUNICIPAL COMMISSIONER FOR THE CITY OF BOMBAY FROM GRANTING PERMISSION TO ANY PERSON FOR THE EXHUMATION OF ANY BODY EXCEPT UNDER CERTAIN CONDITIONS.

*Notn. No. 6553, General, dated 20th November 1901, B. G. G., 1901, Pt. I, p. 2379.*

Under Section 440 (2) of the City of Bombay Municipal Act, 1888, His Excellency the Governor in Council is pleased to direct that the Municipal Commissioner for the City of Bombay shall not grant permission to any person for the exhumation of any body prohibited by Section 440 (1) (*d*), except on condition that such exhumation do take place at such hour of the day and under such sanitary precautions as the Executive Health Officer for the time being of the Municipal Corporation shall report in each instance to be necessary or desirable; and that if the object of such exhumation be that such body may be transmitted to any place outside the limits of the City of Bombay the previous express consent shall be also necessary—

(*a*) in the case of intended transmission to any place in the United Kingdom or any British possession or Colony, of the Governor in Council;

(*b*) in the case of intended transmission to a country or possession of any foreign power, of the Consul or Principal Consular Officer in Bombay representing such power;

(*c*) in the case of intended transmission to any place in British India, of the Local Government there; and

(*d*) in the case of intended transmission to any other part of India, of the Political Agent or other principal officer representing the Government of India in such territory.

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BY-LAW RELATING TO WATER USED FOR BUILDING OPERATIONS.

*Notn. No. 435, General, dated 23th January 1903, B. G. G., 1903, Pt. I, p. 103.*

The following by-law made by the Municipal Corporation of the City of Bombay under Section 461 (*b*) of the City of Bombay Municipal Act, No. III

of 1888, and confirmed by His Excellency the Governor in Council under Section 463, is published for general information :—

"No water supplied from any Municipal main shall be used for building operations unless and until the person for whose building operations such water is used has arranged with the Commissioner to charge for such water by measurement or to compound for such supply pursuant to the provisions of clause (*a*) or clause (*b*) of sub-section 1 of Section 169 of the Act.

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BY-LAW FRAMED UNDER SECTIONS 461 (*c*) AND 463 OF THE ACT.

*Notn. No. 5428, General, dated 4th September 1907, B. G. G., 1907, Pt I, p. 1464.*

The following by-law made by the Municipal Corporation of the City of Bombay under Section 461 (*c*) of the City of Bombay Municipal Act, 1888, as amended by Bombay Act V of 1905, and confirmed by His Excellency the Governor in Council under section 463, is published for general information :—

"Every person who shall erect a building intended to be used as a dwelling house for two or more families or for carrying on any trade or business, in which a number of people exceeding twenty may be employed, or as a place of public resort, shall provide in such building at least one staircase extending from the ground floor level to the highest floor level and such staircase shall be of such width at each floor as the Commissioner shall in each case prescribe, but subject to a minimum width of 3 feet.

The staircase so provided or, where there are more than one, one at least of such staircases, shall be entirely constructed of stone, cement concrete, iron or other incombustible material."

(1) BYE-LAWS AS TO THE FUNCTIONS OF THE JOINT SCHOOLS' COMMITTEE AND THE ADMINISTRATION OF THE SCHOOL FUND.

*Notn. No. 402, Educational, dated 12th February 1890, B. G. G., 1890, Pt. I, p. 118.*

The following bye-laws made by the Municipal Corporation of the City of Bombay under Section 461 (*u*) of the City of Bombay Municipal Act, 1888, assigning the functions of the Joint Schools' Committee under Sub-section (10) of Section 39 of the said Act, regulating the exercise by the said Committee of its functions so assigned, and of the functions assigned to it under Sub-section (9) of the said last mentioned section, and regulating the administration by the said Committee of the School Fund, passed by the Corporation at their meeting of the 1st February 1890 and confirmed by Government, are published for general information :—

General system of administration.

1. In the administration of the City of Bombay Municipal Primary Schools, the principles and system of school management, the course of instruction to be followed, and the rates of salary to be given to the various grades of masters shall be those hitherto adopted under the authority of Government : Provided, that with the previous sanction of the Corporation, the Joint Schools'

(1) For by-laws supplementary to these by-laws, *see* G. N. No. 1204-C, Educational, dated 22nd July 1901, printed at p. 683, *infra*.

Committee may adopt such modifications therein as may be found to be necessary or desireable, reporting such modifications to the Director of Public Instruction. In case of any difference of opinion arising between the Joint Schools' Committee and the Director of Public Instruction in regard to any such modification, there shall be an appeal to Government, whose decision shall be final and conclusive.

Provision of Schools.

2. Municipal Primary Schools shall, subject to the proviso in Bye-law 1, be provided for all castes and classes of the community, and shall be open to inspection and examination at all times by the Government Inspecting Staff.

Pension Contribution.

3. Every member of a school establishment who has been or may be transferred from the Educational Department, and who is in receipt of a salary which would entitle him to pension under the Uncovenanted Service Rules, shall be deemed to continue to be a member of the Educational Service of the Presidency, and the Joint Schools Committee shall contribute to Government for his pension to such extent as may be required by the rules in this behalf from time to time in force; and in all questions relating to pension, leave and pay and acting allowances, the rules from time to time in force for the Government Uncovenanted Service shall be applicable to such member.

Certificated Teachers.

[a] 4. In the Municipal schools those persons only shall be employed as Teachers who hold certificates of qualification recognised by the Educational Department, or who are already in receipt of pensionable pay under Government, so long as such Teachers are procurable on the scale of pay sanctioned by the Committee. It shall be incumbent on the Joint Schools Committee engaging a Teacher as aforesaid to make provision for his pensionary rights in accordance with the rules in this behalf from time to time prescribed by Government. In filling up places of non-pensionable pay, the Joint Schools Committee shall give the preference to those who have passed an examination qualifying for the Public Service or who have been useful Teachers.

Powers of Joint Schools' Committee over all School Establishment.

5. Subject to Rules 3 and 4, the appointment, promotion, punishment, suspension, and dismissal of all members of the establishments of the Municipal schools shall rest with the Joint Schools' Committee: Provided that no officer in receipt of a salary exceeding ten rupees per month shall be dismissed except by a resolution of the Joint Schools' Committee at which 5 members at least shall vote for such dismissal: Provided also that no teacher transferred from Government service shall be dismissed except with the consent of the Director of Public Instruction or the Educational Inspector.

School-fees.

6. All changes made with the previous sanction of the Corporation by the Joint Schools' Committee in the scale of school-fees payable in the Municipal schools, or in the rules of the Educational Department as regards free students shall be reported to the Director of Public Instruction, and in case of any difference of opinion

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[a] As amended by G. N. No. 817, Educational, dated 26th June 1899, *B. G. G.*, 1899, Pt. I, p. 975.

arising between the Joint Schools' Committee and the Director of Public Instruction in regard to any such change, there shall be an appeal to Government, whose decision shall be final and conclusive.

Grant-in-aid Schools.

7. With a view to the development of private enterprise in education and to the making of adequate provision for aiding schools for primary education required by law, the Joint Schools' Committee shall keep a register of schools in Bombay which apply for grants-in-aid, and shall, as far as the funds appropriated to this purpose will allow, administer aid to such schools as comply with the necessary conditions in accordance with the provisions of the Government Grant-in-aid Code subject to such modifications, if any, as may be made in the said code from time to time by the Joint Schools' Committee, with the sanction of the Corporation: Provided that all such modifications as are hereinbefore referred to are reported to the Director of Public Instruction, and in the event of any difference of opinion regarding them arising between the Joint Schools' Committee and the Director of Public Instruction, are approved by Government.

Visiting, inspection and examination of Municipal and Aided Schools.

8. It shall be incumbent on the Joint Schools' Committee to make efficient arrangements for the periodical visiting and supervision of every Municipal school, and for the examination in accordance with the rules of the Grant-in-aid Code with a view to the administration of grants-in-aid of every primary school registered by the Committee for the receipt of grants-in-aid.

Statistics and information.

9. A detailed statement of all employés in the Municipal schools with their salaries and all other items of recurring espenditure, shall be maintained by the Joint Schools' Committee, and shall be at all times open to the inspection of the Government Educational Inspector, and the Joint Schools' Committee shall furnish all returns, statistics and any other information relating to the Municipal schools which may be called for by the Director of Public Instruction, or by the Corporation.

Annual Budget Estimates.

10. The School Fund defind in Section 120 of the Act shall be administered by the Joint Schools' Committee in accordance with an annual Budget Estimate of receipts and charges to be drawn up in the Form No. 1, hereto annexed.

Municipal Contribution from General Revenue.

11. In framing the Budget estimate, the Joint Schools' Committee shall provide for the Committee's having at its credit at the end of the official year a balance of not less than ten thousand rupees. The Budget Estimate shall be prepared on or before the tenth day of October, and the Joint Schools' Committee shall inform the Municipal Commissioner, on or before the fifteenth day of October, of the amount of contribution required from the Municipal Fund to enable the Committee, with the other receipts, to make up the total amount of income required for the purposes of the Budget, and the Municipal Commissioner shall include such amount in his estimate of expenditure to be laid before the Standing Committee under Section 125 (*a*) of the Act. As soon as may be after the adoption by the Corporation of "Budget grant" for primary education, the Budget Esti-

mates shall be reconsidered and passed by the Joint Schools' Committee, and a copy thereof shall be forwarded to the Municipal Secretary, to the Municipal Commissioner, the Educational Inspector, and to the Director of Public Instruction.

The School Fund.

12. The School Fund shall be kept in the same Bank in which the Municipal Fund is kept under Section 112 of the Act.

Disbursements from School Fund.

13. All disbursements from the School Fund shall be effected by the Chairman of the Joint Schools' Committee in accordance with the provisions of Sections 39 and 40 of the Municipal Act, and for this purpose a quarterly statement of the charges to be defrayed during the quarter in accordance with sanctioned rates and the Budget provision shall be submitted by him to the Joint Schools' Committee for sanction in Form No. 3, hereto annexed.

Procedure at Meetings of the Joint Schools' Committee.

14. The Joint Schools' Committee shall meet together and shall from time to time make regulations consistent with the Act and with these rules with respect to the place, day, hour, notice, management and adjournment of such meetings, and generally with respect to the transaction of business as they think fit, subject to the following conditions, namely :—

(1) That one meeting at least shall be held in every month for the disposal of general business.

(2) That the Chairman may, at any time, and shall upon the written request of any three members, call a special meeting.

(3) That 48 hours' notice at least shall be given of every meeting and of the business to be transacted thereat.

(4) That no business shall be transacted at any meeting unless at least three of the members are present from the beginning to the end of such meeting.

(5) That every meeting shall be open to the public unless a majority of the members present deems any inquiry or deliberation pending before the Joint Schools' Committee such as should be held in private.

(6) That the Secretary shall keep minutes of the names of the members present and of the proceedings at each meeting in a book to be provided for the purpose, and shall furnish each member with a copy of such minutes.

15. The accounts of the Joint Schools' Committee shall be audited by the Municipal Auditors, and after audit, copies of the said accounts shall be submitted to the Corporation and to the Director of Public Instruction.

## Form No. I.

### Budget Estimate of the City of Bombay Municipal School Fund for the Year 18 .

| Receipts. | Estimate, 18 . | Revised Estimate, 18 . | Actuals, 18 . | Estimate of 18 compared with 18 . | | Expenditure. | Revised Estimate, 18 . | Estimate, 18 . | Actuals, 18 . | Estimate of 18 compared with 18 . | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | Increase. | Decrease. | | | | | Increase. | Decrease. |
| | | | | | | A.—SCHOOLS. | | | | | |
| 1. Estimated balance of the 1st of April 18 ... ... | | | | | | 1. Head Masters and Teachers ... | | | | | |
| 2. Government Grant to Primary Education ... ... | | | | | | 2. Servants ... ... | | | | | |
| | | | | | | 3. Travelling Allowances ... ... | | | | | |
| 3. Fees from Municipal Schools ... ... | | | | | | 4. Rent ... ... | | | | | |
| | | | | | | 5. Cost of Class Books | | | | | |
| 4. Contribution from the General Municipal Fund ... | | | | | | 6. School Furniture ... | | | | | |
| | | | | | | 7. Prizes ... ... | | | | | |
| 5. Government Grants-in-aid towards Buildings ... .. | | | | | | 8. Contingencies and Miscellaneous ... | | | | | |
| | | | | | | 9. Scholarships in Schools ... ... | | | | | |
| 6. Interest on Endowments or Investments ... ... | | | | | | 10. Stipends of Students under training as Vernacular Teachers ... | | | | | |
| | | | | | | 11. Inspection and Supervision ... | | | | | |
| 7. Miscellaneous ... | | | | | | 12. Grants-in-aid to Primary Schools. | | | | | |
| | | | | | | B.—BUILDINGS. | | | | | |
| | | | | | | 1. Municipal Original Works ... ... | | | | | |
| | | | | | | 2. Repairs to Municipal School Houses. | | | | | |
| | | | | | | Balance on 31st March 19 ... ... ... | | | | | |
| Total Rs. ... | | | | | | Total Rs. ... | | | | | |

Office of Joint Schools' Committee,
Bombay _____ 18 .

*Chairman, Joint Schools' Committee.*

*Secretary, Joint Schools' Committee.*

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*Memorandum showing how the Estimated Balance on the April 18 has been arrived at.*

*Actual balance on the 1st April 18* ... ... Rs.
*Add—Estimated receipts for 18* ... ... ,, _____
*Deduct—Estimated expenditure for 18* ... ... ,, _____
*Estimated balance, 1st April 18* ... ... ,, _____

*Chairman,*
*Joint Schools' Committee.*

*Secretary.*

## FORM No. II.

BUDGET ESTIMATE OF THE CITY OF BOMBAY MUNICIPAL SCHOOL FUND FOR THE YEAR 18 .

*Re-appropriation Statement of Budget Grant.*

| Items requiring Re-appropriation. | | | | Budget Item from which Re-appropriation is proposed. | | |
|---|---|---|---|---|---|---|
| Budget Head. | Particulars. | Amount of sanctioned Estimate. | Amount of proposed Re-appropriation. | Budget Head. | Item of Budget Estimate. | Amount. |
| | | Rs. | Rs. | | | Rs. |

OFFICE OF JOINT SCHOOL'S COMMITTEE,
*Bombay*, _____ 18 .

*Secretary, Joint Schools' Committee.*

*Chairman, Joint Schools' Committee.*

## FORM No. III.

QUARTERLY STATEMENT of EDUCATIONAL CHARGES on account of Municipal Primary Schools in the City of Bombay for the Quarter from _____ 18____, to _____ 18____, inclusive, as per Bye-law 17 of the Joint Schools' Committee Bye-laws under the City of Bombay Municipal Act, 1888.

| Name and Locality of School. | Description of charge. (If an Establishment charge description of appointment and other particulars to be entered.) | Amount of Monthly Charge. | Increase over last Quarter. | Decrease below last Quarter. | REMARKS. |
|---|---|---|---|---|---|
| | | | | | |

OFFICE OF JOINT SCHOOLS' COMMITTEE,
*Bombay* _____ *18* .

*Secretary, Joint Schools' Committee.*

*Chairman, Joint Schools' Committee.*

## SUPPLEMENTARY BYE-LAWS RELATING TO THE JOINT SCHOOLS' COMMITTEE.

*Notn. No. 1204-C., Educational, dated 22nd July 1901, B. G. G., 1901, Pt. I, p. 1413.*

The following bye-laws supplementary to the bye-laws* relating to the Joint Schools' Committee which have been made under section 461 (*u*) of the City of Bombay Municipal Act, III of 1888, and finally approved by the Municipal Corporation, are confirmed by Government and published for general information: —

* Published by Government Notification No. 402, dated 12th February 1890, at pages 118 to 121 of the *Bombay Government Gazette* of the 13th idem, Part I.

(1) The Joint Schools' Committee shall, for the purpose of efficient school inspection, divide the City into wards and assign one or more wards to each member of the Committee.

(2) Each member of the Committee shall visit each Municipal school within the ward or wards assigned to him at least once in every six months, and shall record his visit in a book to be specially kept for the purpose.

(3) The Joint Schools' Committee shall, wherever practicable, appoint a local Committee in each ward where the schools are located consisting of respectable local residents, both male and female, and every local Committee thus appointed should be requested to visit the schools in their ward during school hours as often as they think fit, and record such remarks concerning them as they shall deem proper in a book to be called the "Visitors' Book."

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## BYE-LAWS REGARDING THE APPOINTMENT OF MEMBERS OF THE STANDING COMMITTEE OF THE CORPORATION.

*Notn. No. 389, General, dated 8th February 1892, B. G. G., 1892, Pt. I, p. 71.*

The following bye-laws, made by the Municipal Corporation of the City of Bombay under the authority of clause (*w*) of section 461 of the City of Bombay Municipal Act No. III of 1888, and confirmed by His Excellency the Governor in Council, are published for general information:—

### *Bye-laws.*

Whenever under the provisions of the City of Bombay Municipal Act 1888, it shall become necessary for the Corporation to appoint members or a member of the Standing Committee, the appointment shall be made in accordance with the following rules so far as the same may be applicable:—

1. Candidates for appointment to the Standing Committee must be nominated by nomination-paper, which must be deposited with the Municipal Secretary between 10 A. M. and 5 P. M., at least three clear days before the day of the meeting at which the appointment is to be made; and each nomination-paper must state the name of the candidate in full, and be subscribed by two Councillors as proposer and seconder.

2. When the number of valid nominations is the same as, or less than, the number of vacancies, the person or persons nominated s all be appointed a member or members of the Standing Committee at the meeting at which, under the Municipal Act, the appointment is authorized to be made.

3. Where the number of valid nominations exceeds the number of vacancies, the appointment shall be made by ballot.

4. Ballot-papers with the names of the persons nominated printed thereon will be furnished to the Councillors at the meeting held for the purpose of making the appointment.

5. Each Councillor may vote for as many candidates as there are vacancies. At the time of voting, each Councillor will place a cross on the right-hand side of the ballot-paper, opposite the name of each candidate for whom he votes, thus (×), and will then fold up the ballot-paper, and without showing the front of the paper to any person will, in the presence of the President of the meeting, put the paper into the ballot-box. If a Councillor votes for more candidates than there are vacancies, or places any mark on the paper by which he may afterwards be identified, his ballot-paper will be void and will not be counted.

6. No ballot-papers will be received after one hour from the hour for which the meeting has been called. The ballot-box will then be opened by the President of the meeting, who will initial each ballot-paper. The ballot-papers will then, in the presence of the President, be examined by the Municipal Secretary, assisted by such scrutineers, not exceeding three in number, as the Corporation may appoint. When the scrutiny is completed, the ballot-papers shall be recorded, together with a statement in writing of the result of the voting under the signature of the President, who shall declare such result to the meeting. In case any two or more candidates shall receive an equal number of votes, the President shall have a casting vote.

7. The said ballot-papers shall be kept by the Municipal Secretary for three months from the date of the election and may then be destroyed by him.

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## Bye-laws with respect to Buildings.

*Notn. No. 2672, General, dated 3rd August 1892, B. G. G., 1892, Pt. I, p. 752.*

The following bye-laws, made by the Municipal Corporation of the City of Bombay under the authority of section 461 of the City of Bombay Municipal Act No. III of 1888, and confirmed by His Excellency the Governor in Council, are published for general information :—

## Bye-laws with respect to Buildings.

### *Interpretation of Terms.*

1. In the construction of the bye-laws hereinafter contained the following words and expressions shall have the meanings hereinafter respectively assigned to them, unless such meanings be repugnant to, or inconsistent with, the context or subject-matter in which such words or expressions occur; that is to say,—

Words importing the singular number shall include the plural, and the plural the singular, and words importing the masculine gender shall include females.

"Person" includes any body of persons corporate or unincorporated :

"The Act" means the City of Bombay Municipal Act, 1888, and includes any Act which may hereafter be passed in substitution for or amendment of the said Act :

"The Commissioner" means the Municipal Commissioner for the City of Bombay, appointed under section 54 of the Act, and includes an Acting Commissioner appointed under sub-section (3) of section 59 of the Act :

"The Engineer" means the Municipal Executive Engineer, appointed under section 74 of the Act, and includes an Acting Executive Engineer appointed under the Act :

"Base," applied to a wall, means the underside of the course immediately above the footings :

"Top-most storey" means the uppermost storey in a building, whether constructed wholly or partly in the roof or not, and whether used or constructed or adapted for human habitation or not :

"Party-wall" means :—

(*a*) a wall forming part of a building and being used or constructed to be used in any part of the height or length of such wall for separation of adjoining buildings belonging to different owners or occupied or constructed or adapted to be occupied by different persons ; or,

(*b*) a wall forming part of a building and standing in any part of the length of such wall to a greater extent than the projection of the footings on one side on grounds of different owners :

"External wall" means an outer wall of a building not being a party-wall, even though adjoining to a wall of another building :

[a] "Post" means an upright piece of timber placed directly under and immediate contact with and supporting or assisting to support any template, girder, beam or plate which carries part of the load of the structure in which it is erected. [a]

"Public building," except where otherwise defined, means a building used or constructed or adapted to be used, either ordinarily or occasionally, as a place of public worship, or as a hospital, college, school (not being merely a dwelling-house so used), hotel, restaurant (not being merely a shop so used), theatre, public hall, public concert-room, public lecture-room or public exhibition-room, or as a public place of assembly or entertainment for persons admitted thereto by tickets or otherwise, or used or constructed or adapted to be used, either ordinarily or occasionally, for any other public purpose :

"Building of the warehouse class" means a warehouse, factory, manufactory, brewery, or distillery :

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a–a] This addition was made by Government Notification No. 5990, General, dated 30th October 1897, *B. G. G.*, 1897, Part I, p. 1838.

"Domestic building" means a dwelling-house or an office building or other out-building appurtenant to a dwelling-house, whether attached thereto or not, or a shop, or any other building not being a public building, or a building of the warehouse class:

"Dwelling-house" means a building used or constructed or adapted to be used wholly or principally for human habitation:

"Masonry-walled building" means a building the external walls of which are constructed of brick, stone, or other material, without the aid of timber framing:

[a] "Frame building" means a building the external walls of which are constructed of timber framing filled in with brick, stone, *iron plates*, or other materials, and the stability of which depends mainly upon such framing.[a]

[b] "Open building" means a shed or other structure consisting of a *ground floor storey covered with a* roof erected on posts without *any* filling between such posts *either of masonry, iron sheets or any other materials*, and no such structure shall be deemed to be the subject of, or referred to in, any of the following bye-laws save where the expression "open building" is used to denote the same.[b]

[c] "*Composite building*" *means a building of which part is masonry-walled building and part is either open building or frame building or a building of which part is open building and part is of frame building to each of which classes of building the bye-laws relating to masonry walled buildings, open buildings, and frame buildings respectively shall apply.*[c]

A person shall be deemed to do or omit or fail to do any act or thing, who does or omits or fails to do such act or thing either in the capacity of an owner, agent of an owner, contractor, agent of a contractor, builder, agent of a builder, surveyor or person in charge of any building operations.

*Delegation of powers, duties and functions of Commissioner.*

2. Any of the powers, duties or functions conferred or imposed upon or vested in the Commissioner by any of the following bye-laws, may be exercised, performed or discharged under the Commissioner's control, and subject to his revision and to such conditions and limitations, if any, as he shall think fit to prescribe, by any Municipal officer whom the Commissioner generally or specially empowers in writing in this behalf, and in each of the said bye-laws, the word "Commissioner" shall, to the extent to which any Municipal officer is so empowered, be deemed to include such officer.

*Exempted Buildings.*

3. The following buildings shall be exempt from the operation of the bye-laws hereinafter contained:—

(*a*) Any building in the possession of Her Majesty or of the Municipal Corporation of the City of Bombay, or employed or intended to be

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[a—a] This definition of "frame building" was substituted for the original one by Government Notification No. 5990, General, dated 30th October 1897, *B. G. G.*, 1897, Pt. I, p. 1838.

[b—b] This definition of "Open building" was also substituted for the original one by Government Notification No. 5990, General, dated 30th October 1897, *B. G. G.*, 1897, Pt. I, p. 1838.

[c—c] The definition of "Composite building" was inserted by Government Notification No. 5990, General, dated 30th October 1897, *B. G. G.*, 1897, Pt. I, p. 1838.

employed for the use or service of Her Majesty or of the said Corporation.

(*b*) Any building erected and used or intended to be erected and used, exclusively for the purpose of a plant house summer house (not being a dwelling house), poultry house, or aviary, which shall be wholly detached and at a distance of *ten feet* at the least from any other building.

(*c*) Any building erected or intended to be erected by or with the sanction of the Commissioner for use solely as a temporary hospital for the reception and treatment of persons suffering from any dangerous infectious disease.

*With respect to the structure of walls, foundations, roofs, and chimneys of new buildings for securing stability and the prevention of fires and for purposes of health.*

Filth to be removed from new foundations.

4. A person who shall construct a new building, shall not construct any new foundation of such building on any site which shall have been filled up with, or shall have been used as a place for depositing excrementitious matter, or the carcasses of dead animals, or other filthy or offensive matter, until such matter shall have been properly removed to the satisfaction of the Commissioner or shall in his opinion have become innocuous:

Provided that this bye-law shall not apply to any site on which public buildings, buildings of the warehouse class or domestic buildings have previously existed.

Level of plinth.

5. Every person who shall erect a new domestic building shall cause the same to be built with a plinth not below such level as may be fixed by the Commissioner in this behalf.

Plans and other documents to be furnished in duplicate.

6. Every person who, under the provisions of section 338 or section 343 of the Act, may be required to furnish to the Commissioner any plan or other document, shall furnish duplicate copies of every such plan or other document which he may be so called upon to furnish, and one of such duplicate plans shall be returned to the person signed by the Executive Engineer signifying his approval of the plan or otherwise.

Materials for external and party-walls.

7. Every person who shall erect a new building shall, save as hereinafter provided, construct every external wall and party-wall and also every cross-wall which, in pursuance of the bye-law in that behalf, may, as a return-wall, be deemed a means of determining the length of any external wall or party-wall of such building, of bricks, stone, or other hard and incombustible materials (not being littoral concrete) properly bonded and solidly put together—

(*a*) with mortar compounded of lime and sand or other suitable material; or,

(*b*) with cement; or,

(*c*) with cement mixed with sand or other suitable materials:

Provided always:

That the person erecting such new building may construct its external walls and cross-walls of timber framing, subject to compliance with the following regulations and conditions; that is to say,—

Timber-frame walls.

(*i*) The dimensions of posts shall be in accordance with the requirements of the bye-law in that behalf, and the spaces between the timbers shall be filled in completely with brick, stone, or other hard and incombustible materials properly bonded together.

8. Every person who shall erect a new masonry-walled building shall cause every wall of such building which may be built at an angle with another wall to be properly bonded therewith.

Return-walls to be bonded together.

9. Every person who shall erect a new building shall construct every wall of such building so as to rest upon proper footings to the satisfaction of the Commissioner.

Footings to walls.

He shall cause the projection at the widest part of the footings of every wall, on each side of such wall, to be at least equal to *one-half* of the thickness of such wall at its base, unless an adjoining wall interferes, in which case the projection may be omitted where that wall adjoins.

He shall also cause the diminution of the footings to be in regular offsets or in one offset at the top of the footings, and he shall cause the height from the bottom of the footings to the base of the wall to be at least equal to *two-thirds* of the thickness of the wall at its base.

10. Every person who shall erect a new building shall cause the footings of every wall and every post or posts of the ground floor of such building to rest on the solid ground, or upon a sufficient thickness of concrete, or upon some solid and sufficient substructure, as a foundation:

Foundations of walls.

Provided that where solid rock is met with at or near the surface at the site of such building, that is, within three feet of the level of the base of the wall, the footings may be omitted, if the surface of the rock be properly cleaned and stepped or jagged to receive the first course of masonry.

11. For the purposes of the bye-laws with respect to the structure of walls of new buildings, the measurement of height of storeys and of height and length of walls shall be determined by the following rules:—

Mode of measurement.

Heights of storeys.

(i) The heights of storeys shall be measured as follows:

(*a*) The height of a top-most storey shall be measured from the level of the upper surface of the floor up to the level of the under-side of the tie of the roof or other covering, or if there is no tie, then up to the level of half the vertical height of the rafters or other support of the roof.

(*b*) The height of every storey other than a top-most storey shall be measured from the level of the upper surface of the floor of the storey up to the level of the upper surface of the floor of the storey next above it.

(ii) The height of a wall shall be measured from the top of the footings to the highest part of the wall, or in the case of a gable, to half the height of the gable.

Height of walls.

(iii) Walls shall be deemed to be divided into distinct lengths by return-walls. The length of a wall shall be measured from the centre of one return-wall to the centre of another: provided that the return-walls are external walls, party-walls or cross-walls of the thickness prescribed by the bye-laws and are bonded or if the building be a frame building or framed into the walls so deemed to be divided.

Length of walls.

A wall shall not, for the purpose of this rule, be deemed a cross-wall, unless it is carried up to the top of the top-most storey, and unless in each storey the aggregate extent of the vertical faces or elevations of all the recesses and that of all the openings therein taken together, shall not exceed *one-half* of the whole extent of the vertical face or elevation of the wall in such storey.

Walls when deemed cross-walls.

12. Every person who shall erect a new domestic masonry-walled building shall construct every external wall and every party-wall of such building in accordance with the following rules, and in every case the thickness prescribed shall be the minimum thickness of which any such wall may be constructed, and the several rules shall apply only to walls built of brick masonry:—

Thickness for walls of domestic masonry-walled buildings.

(*a*) Where the wall does not exceed *ten feet* in height (whatever is its length) it shall be *nine inches* thick for its whole height.

Height up to 10 feet.

(*b*) When the wall is more than *ten feet* and does not exceed *fifteen feet* high, it shall be *fourteen inches* thick for a height of *eight feet* and *nine inches* thick for the remaining height.

(*c*) Where the wall exceeds *fifteen feet*, but does not exceed *twenty-five feet* in height, its thickness shall be as follows:—

Height up to 25 feet.

If the wall does not exceed *thirty feet* in length, it shall be *fourteen inches* thick for its whole height.

If the wall exceeds *thirty feet* in length, it shall be *eighteen and a-half inches* thick below the top-most storey if it comprise more than one storey, or if it comprise a ground floor or first storey only, then *eighteen and a-half inches* thick for a height of fifteen feet above its base, and in either case *fourteen inches* thick for the rest of its height.

(*d*) Where the wall exceeds *twenty-five feet*, but does not exceed *thirty feet* in height, its thickness shall be as follows:—

Height up to 30 feet.

If the wall does not exceed *thirty-five feet* in length, it shall be *eighteen and a-half inches* thick below the uppermost two storeys, if it comprise more than two storeys, or, if it does not

comprise more than two storeys, then *eighteen and a-half inches* below the top-most storey, and (in either case) *fourteen inches* thick for the rest of its height.

If the wall exceeds *thirty-five feet* in length, it shall be *eighteen and a-half inches* thick below the top-most storey, and *fourteen inches* thick for the rest of its height.

(*e*) Where the wall exceeds *thirty feet*, but does not exceed *forty feet* in height, its thickness shall be as follows:— Height up to 40 feet.

If the wall does not exceed *thirty-five feet* in length, it shall be *eighteen and a-half inches* thick below the uppermost two storeys and *fourteen inches* thick for the rest of its height.

If the wall exceeds *thirty-five feet* in length, it shall be *twenty-three and a-half inches* thick for the height of one storey, then *eighteen and a-half inches* thick for the rest of its height below the top-most storey, and *fourteen inches* thick for the rest of its height.

(*f*) Where the wall exceeds *forty feet*, but does not exceed *fifty feet* in height, its thickness shall be as follows:— Height up to 50 feet.

If the wall does not exceed *thirty-five feet* in length, it shall be *eighteen and a-half inches* thick below the top-most storey, and *fourteen inches* thick for the rest of its height.

If the wall exceeds *thirty-five feet* in length, it shall be *twenty-four inches* thick for the height of one storey, then *eighteen and a-half inches* thick for the rest of its height below the top-most storey, and *fourteen inches* thick for the rest of its height.

(*g*) Where the wall exceeds *fifty feet*, but does not exceed *sixty feet* in height, its thickness shall be as follows:— Height up to 60 feet.

If the wall does not exceed *forty feet* in length, it shall be *twenty-three and a-half inches* thick for the height of one storey, and *eighteen and a-half inches* thick for the rest of its height.

If the wall exceeds *forty feet* in length, it shall be *twenty-three and a-half inches* thick for the height of two storeys, and *eighteen and a-half inches* thick for the rest of its height, except the top storey which shall be *fourteen inches* thick.

If the wall exceeds *fifty feet* in length, it shall be *twenty-eight and a-half inches* thick for the height of one storey, then *twenty-four inches* thick for the height of the next two storeys and then *eighteen and a-half inches* thick for the rest of its height.

(*h*) Where the wall exceeds *sixty feet*, but does not exceed *seventy feet* in height, its thickness shall be as follows: Height up to 70 feet.

If the wall does not exceed *forty feet* in length, it shall be *twenty-three and a-half inches* thick for the height of two storeys, and

*eighteen and a-half inches* thick for the rest of its height, except the top storey which shall be *fourteen inches* thick.

If the wall exceeds *forty feet* in length, it shall be *twenty-eight and a-half inches* thick for the height of one storey, then *twenty-three and a-half inches* thick for the height of the next two storeys, and then *eighteen and a-half inches* thick for the rest of its height, except the top storey which shall be *fourteen inches* thick.

(*i*) Where the wall exceeds *seventy feet* in height, it shall in each case be of such thickness as shall be specially prescribed by the Commissioner in that behalf. All the dimensions of masonry in these bye-laws are exclusive of external and internal plaster.

Height over 70 feet.

13. Every person who shall erect a new masonry-walled public building or a new masonry-walled building of the warehouse class shall construct every external wall and every party-wall of such building in accordance with the following rules; and in every case the thickness prescribed shall be the minimum thickness of which any such wall may be constructed and the several rules shall apply only to walls built of brick masonry :—

Thickness for walls of masonry-walled public buildings and of masonry-walled buildings of the warehouse class.

(*a*) Where the wall does not exceed *fifteen feet* in height (whatever is its length), it shall be *fourteen inches* thick.

Height up to 15 feet.

(*b*) Where the wall exceeds *fifteen feet*, but does not exceed *twenty-five feet* in height, it shall be *eighteen and a-half inches* thick at its base.

Height up to 25 feet.

(*c*) Where the wall exceeds *twenty-five feet*, but does not exceed *thirty feet* in height, it shall be of the thickness following :—

Height up to 30 feet.

If the wall does not exceed *forty-five feet* in length, it shall be *eighteen and a-half inches* thick at its base.

If the wall exceeds *forty-five feet* in length, it shall be *twenty-four inches* thick at its base.

(*d*) Where the wall exceeds *thiry feet*, but does not exceed *forty feet* in height, it shall be of the thickness following :—

Height up to 40 feet.

If the wall does not exceed *thirty feet* in length, it shall be *eighteen and a-half inches* thick at its base.

If the wall exceeds *thirty feet* but does not exceed *sixty feet* in length, it shall be *twenty-four inches* thick at its base.

If the wall exceed *sixty feet* in length, it shall be *twenty-eight and a-half inches* thick at its base.

(*e*) Where the wall exceeds *forty feet*, but does not exceed *fifty feet* in height, it shall be of the thickness following :—

Height up to 50 feet.

If the wall does not exceed *forty feet* in length, it shall be *twenty-four inches* thick at its base.

If the wall exceeds *forty feet*, but does not exceed *seventy feet* in length, it shall be *twenty-eight and a-half inches* thick at its base.

If the wall exceeds *seventy feet* in length, it shall be *thirty-three and a-half inches* thick at its base.

(*f*) Where the wall exceeds *fifty feet*, and does not exceed *sixty feet* in height, it shall be of the thickness following :—

Height up to 60 feet.

If the wall does not exceed in length *thirty-five feet*, it shall be *twenty-four inches* thick at its base.

If the wall exceeds *thirty-five feet* but does not exceed *fifty feet* in length, it shall be *twenty-eight and a-half inches* thick at its base.

If the wall exceeds *fifty feet* in length, it shall be *thirty-three and a-half inches* thick at is base.

(*g*) Where the wall exceeds *sixty feet*, but does not exceed *seventy feet* in height, it shall be of the thickness following :—

Height up to 70 feet.

If the wall does not exceed *thirty feet* in length, it shall be *twenty-four inches* thick at its base.

If the wall exceeds *thirty feet*, but does not exceed *forty-five feet* in length, it shall be *twenty-eight and a-half inches* thick at its base.

If the wall exceeds *forty-five feet* in length, it shall be *thirty-three and a-half inches* thick at its base.

(*h*) In any wall over *twenty-five feet* in height, the uppermost *fifteen feet* shall not be less than *fourteen inches* in thickness and the remainder of the wall below the uppermost *fifteen feet* shall not be less in thickness than the space contained between two straight lines drawn from each outer side of the wall at its base to each outer side of the wall *fifteen feet* below the top.

(*i*) Where the wall exceeds *seventy feet* in height, it shall in each case be of such thickness as shall be specially prescribed by the Commissioner in that behalf.

Height over 70 feet.

14. Every person who shall erect a new masonry-walled building shall construct, in accordance with the following rules, every cross-wall which, in pursuance of the bye-law in that behalf, may, as a return-wall, be deemed a means of determining the length of any external wall or party-wall of such building; and in every case the thickness prescribed shall be the minimum thickness of which any such cross-wall may be constructed; and the several rules shall apply only to walls built of brick masonry.

Thickness for cross-wall.

The thickness of every such cross-wall shall be at least *two-thirds* of the thickness prescribed by the bye-law in that behalf for an external wall or party-wall of the same height and length and belonging to the same class of buildings as that to which such cross-wall belongs, but shall in no case be less than *nine inches*.

But if such cross-wall supports a superincumbent external wall, the whole of such cross-wall shall be of the thickness prescribed by the bye-law in that behalf for an external wall or a party-wall of the same height and belonging to the same class of building as that to which such cross-wall belongs.

Openings in external walls of masonry-walled buildings.

15. Every person who shall erect a new masonry-walled building and shall leave in any storey or storeys of such building an extent of opening in any external wall which shall be greater than *one-half* of the whole extent of the vertical face or elevation of the wall or walls of the storey or storeys in which the opening is left, shall construct the wall or walls of every such storey of such thickness that the maximum pressure per square foot shall not exceed *five tons* for brick-work, *twenty tons* for ashlar masonry, or *three and-a-half tons* for rubble masonry.

Dimensions for posts in frame-buildings.

16. Every person who shall erect a new frame-building shall employ and erect therein posts in accordance with the following regulations and in every case the dimensions prescribed for posts shall be the minimum dimensions for the posts which may be employed and the several rules shall apply only to posts erected and fixed at distances not exceeding ten feet from centre to centre :—

(*a*) Where the building consists of not more than one storey, the dimensions of the posts shall be as follows :— One-storeyed buildings.

| Height of Posts. | Dimensions. | |
|---|---|---|
| | If square. | If round. |
| Not exceeding 10′ | 5″ × 5″ | or 6″ diameter. |

(*b*) Where the building consists of not more than two storeys, the dimensions of the posts shall be as follows :— Two-storeyed buildings.

| | Height of Posts. | Dimensions. | |
|---|---|---|---|
| | | If square. | If round. |
| Lowest or 1st storey ... | Not exceeding 10′ | 6″ × 6″ | or 7″ diameter. |
| 2nd storey ... ... | Do. 10′ | 5″ × 5″ | or 6″ do. |

(*c*) Where the building consists of not more than three storeys, the dimensions of the posts shall be as follows :— Three-storeyed buildings.

| | Height of Posts. | Dimensions. | |
|---|---|---|---|
| | | If square. | If round. |
| Lowest or 1st storey ... | Not exceeding 10′ | 7″ × 7″ | or 8¼″ diameter. |
| 2nd storey ... ... | Do. 10′ | 6″ × 6″ | or 7″ do. |
| 3rd storey ... ... | Do. 10′ | 5″ × 5″ | or 6″ do. |

(*d*) Where the building consists of not more than four storeys, the dimensions of the posts shall be as follows:—

Four-storeyed buildings.

| | Height of Posts. | Dimensions. | |
|---|---|---|---|
| | | If square. | If round. |
| Lower or 1st storey ... | Not exceeding 10′ | 8″ × 8″ | or 9½″ diameter. |
| 2nd storey ... ... | Do. 10′ | 7″ × 7″ | or 8¼″ do. |
| 3rd storey ... ... | Do. 10′ | 6″ × 6″ | or 7″ do. |
| 4th storey ... ... | Do. 10′ | 5″ × 5″ | or 6″ do. |

(*e*) Where the building consists of not more than five storeys, the dimensions of the posts shall be as follows:—

Five-storeyed buildings.

| | Height of Posts. | Dimensions. | |
|---|---|---|---|
| | | If square. | If round. |
| Lowest or 1st storey... | Not exceeding 10′ | 9″ × 9″ | or 10¾″ diameter. |
| 2nd storey ... ... | Do. 10′ | 8″ × 8″ | or 9½″ do. |
| 3rd storey ... ... | Do. 10′ | 7″ × 7″ | or 8¼″ do. |
| 4th storey ... ... | Do. 10′ | 6″ × 6″ | or 7″ do. |
| 5th storey ... ... | Do. 10′ | 5″ × 5″ | or 6″ do. |

(*f*) Where the building consists of not more than six storeys, the dimensions of the posts shall be as follows:—

Six-storeyed buildings.

| | Height of Posts. | Dimensions. | |
|---|---|---|---|
| | | If square. | If round. |
| Lowest or 1st storey... | No exceeding 10′ | 10″ × 10″ | or 12″ diameter. |
| 2nd storey ... ... | Do. 10′ | 9″ × 9″ | or 10¾″ do. |
| 3rd storey ... ... | Do. 10′ | 8″ × 8″ | or 9½″ do. |
| 4th storey ... ... | Do. 10′ | 7″ × 7″ | or 8¼″ do. |
| 5th storey ... ... | Do. 10′ | 6″ × 6″ | or 7″ do. |
| 6th storey ... ... | Do. 10′ | 5″ × 5″ | or 6″ do. |

(*g*) Where the height of posts exceeds ten feet, the dimensions shall be increased by $\frac{3}{16}$ of an inch for each additional foot of height.

(*h*) Where the building consists of more than six storeys or contains posts of a greater height than fifteen feet, the dimensions of the posts shall in each case be such as shall be specially prescribed by the Commissioner in that behalf.

Buildings of more than 6 storeys.

17. Every person who shall erect a new frame-building and shall cause the posts or any of the post of any storey or storeys of such building to be distant more or less than ten feet from centre to centre shall comply with the following rule with respect to the dimensions of such posts:—

Dimensions for posts in frame-buildings where distant more than 10 feet.

The dimensions of the posts so distant more or less than ten feet as aforesaid shall be greater or less in square or round sectional area than the dimensions prescribed by the bye-law in that behalf for posts erected and fixed at distances of ten feet in proportion as the distance between such posts may exceed or be less than ten feet measured as aforesaid.

Width for footings and thickness and height for walls of domestic frame-building.

18. Every person who shall erect a new domestic frame-building shall construct every external wall and every party-wall of such building in accordance with the following rules, so far as the same may respectively be applicable and in every case the width for footings and thickness prescribed shall be the minimum width and thickness respectively of which any such wall and footings may be constructed and the several rules shall apply only to walls built of brick masonry ; —

(*a*) Where the wall does not comprise more than three storeys, it shall rest on footings not less than *eighteen and a-half inches* wide, it shall be *nine inches* thick for its whole height, and (unless it be a party-wall) it shall not exceed the following height:—

Up to three storeys.

If the wall does not comprise more than one storey, its maximum height shall be *twelve feet*.

If the wall comprises two storeys and no more, its maximum height shall be *twenty-two feet*.

If the wall comprises three storeys and no more, its maximum height shall be *thirty-two feet*.

(*b*) Where the wall comprises four storeys and no more, it shall rest on footings not less than *twenty-four inches* wide, it shall be *fourteen inches* thick for the height of one storey and *nine inches* thick for the rest of its height, and (unless it be a party-wall) it shall not exceed *forty-two feet* in height.

Up to four storeys.

(*c*) Where the wall comprises five storeys and no more, it shall rest on footings not less than *twenty-eight and a-half inches* wide ; it shall be *fourteen inches* thick for the height of two storeys and *nine inches* thick for the rest of its height, and (unless it be a party-wall) it shall not exceed *fifty-two feet* in height.

Up to five storeys.

(*d*) Where the wall comprises six storeys and no more, it shall rest on footings not less than *twenty-eight and a-half inches* wide, it shall be *fourteen inches* thick for the height of three storeys and *nine inches* thick for the rest of its height, and (unless it be a party-wall) it shall not exceed *seventy feet* in height.

Up to six storeys.

(*e*) Where the wall comprises seven storeys and no more, it shall rest on footings not less than *thirty-seven and a-half inches* wide, it shall be *eighteen and a-half inches* thick for the height of two storeys, then *fourteen inches* thick for the height of the next three storeys, and then *nine inches* thick for the rest of its height, and it shall not exceed *eighty-five feet* in height.

Up to seven storeys.

(*f*) Where the wall comprises more than seven storeys, it shall rest on footings of such width, and shall be of such thickness and height as shall in each case be specially prescribed by the Commissioner in that behalf.

Over seven storeys.

19. Every person who shall erect a new public frame-building or a new frame-building of the warehouse class shall construct every external wall and every party-wall of such building in accordance with the following rules and in every case the thickness prescribed shall be the minimum thickness of which any such wall may be constructed, and the several rules shall apply only to walls built of brick masonry :—

Width for footings and thickness for walls of public frame-buildings of the warehouse class.

(*a*) Where the wall does not exceed *twenty-two feet* in height (whatever is its length), it shall rest on footings not less than *twenty-four inches* wide, and it shall be *fourteen inches* thick at its base and for a height of *thirteen feet* above its base and *nine inches* thick for the rest of its height.

Height up to 22 feet.

(*b*) Where the wall exceeds *twenty-two feet*, but does not exceed *forty-four feet* in height, it shall rest on footings not less than *thirty-three and a-half inches* wide, and it shall be *eighteen and a-half inches* thick at its base and for a height of *sixteen feet* above its base and *fourteen inches* thick for the rest of its height.

Height up to 44 feet.

(*c*) Where the wall exceeds *forty-four feet*, but does not exceed *seventy-eight feet* in height, it shall rest on footings not less than *thirty-eight and a-half inches* wide, and it shall be *twenty-four inches* thick at its base and for a height of *twenty feet* above its base, then *eighteen and a-half inches* thick for a further height of *thirty-six feet*, and *fourteen inches* thick for the rest of its height.

Height up to 78 feet.

(*d*) Where the wall exceeds *seventy-eight feet*, but does not exceed *one hundred feet* in height, it shall rest on footings not less than *forty-eight inches* wide, and it shall be *twenty-eight and a-half inches* thick at its base and for a height of *twenty-four feet* above its base, then *twenty-four inches* thick for a further height of *forty feet*, and then *eighteen inches* thick for the rest of its height.

Height up to 100 feet.

The breadth and width of footings to the interior posts shall be not less on each side than the width specified for the footings of exterior walls of the same building.

In all cases in these bye-laws in which thicknesses are prescribed for brick walls, the following provision shall have effect :—

Provided that, if approved bricks of the size of 8½ inches long by 4¼ inches wide are used—

| | | | | | | |
|---|---|---|---|---|---|---|
| 1 | brick | may be reckoned to be equal to | | | 9 | inches |
| 1½ | bricks | ... | ... | ... | 14 | ,, |
| 2 | ,, | ... | ... | ... | 18½ | ,, |
| 2½ | ,, | ... | ... | ... | 23½ | ,, |
| 3 | ,, | ... | ... | ... | 28½ | ,, |
| 3½ | ,, | ... | ... | ... | 33½ | ,, |

[a] The Municipal Commissioner may permit the external walls to be of brick nogging provided it be of a design approved of by him.[a]

[a—a] This addition to Bye-law 19 was made by Government Notification No. 5990, General, dated 30th October 1897, *B. G. G.*, 1897, Pt. I, p. 1838.

20. Every person who shall erect a new building and shall construct any external wall, party-wall or cross-wall of such building of rubble masonry or coursed rubble masonry of approved quality or other material not being brick or ashlar shall comply with the following rule with respect to the thickness of such wall:—

Wall built of materials other than brick or ashlar.

The thickness of such wall shall be *one-third* greater in the case of rubble masonry, and *one-fifth* greater in the case of coursed rubble masonry of approved quality than that prescribed by the bye-law in that behalf for a wall built of brick ashlar masonry, but in other respects of the same description, height and length, and belonging to the same class of building.

21. Every person who shall erect a new masonry-walled building shall construct every external wall, party-wall or cross-wall thereof of such thickness that the superincumbent weight on the base of such wall if built of brick shall not exceed *five tons* per square foot of horizontal sectional area or if built of ashlar masonry shall not exceed *twenty tons* per square foot of horizontal sectional area or if built of rubble masonry or other material not being brick or ashlar shall not exceed *three and a-half tons* per square foot of horizontal sectional area.

Limit of superincumbent weight on base of wall.

22. Every person who shall erect a new building, and who shall in the construction thereof employ iron posts, girders, joists or other iron-work for the support of any portion of such building, shall employ and erect therein only such iron posts, girders, joists and other iron-work as aforesaid, as shall, in respect to quality and strength, be approved by the Commissioner in that behalf.

Iron-work.

23. Every person who shall erect a new building shall, except in such case as is hereinafter provided, cause every chimney of such building to be built on solid foundations and with footings similar to the footings of the wall against which such chimney is built, and to be properly bonded into such wall:

Chimneys.

Provided, nevertheless, that such person may cause any chimney of such building to be built on sufficient corbels of brick, stone, or other hard and incombustible materials, if the work so corbelled out does not project from the wall more than the thickness of the wall measured immediately below the corbel.

24. Every person who shall erect a new building shall cause the inside of every flue of such building to be properly rendered or pargetted as such flue is carried up, unless the whole flue shall be lined with fire-brick or fire-proof piping of stoneware at least *one inch* thick, and unless the spandril angles shall be filled in solid with brick-work or other incombustible material.

Chimney flues to be pargetted inside.

Such person shall also cause the back or outside of such flue, which shall not be constructed so as to form part of the outer face of an external wall, to be properly rendered in every case where the brick-work of which such back or outside may be constructed is less than *nine inches* thick.

Outside of chimneys in certain parts to be rendered.

Brick-work about certain flues to be of fire-brick and extra thick.

25. Every person who shall erect a new building shall cause every flue in such building which may be intended for use in connection with any furnace, copper, steam-boiler, or close fire constructed for any purpose of trade, business or manufacture, or which may be intended for use in connection with any cooking range or cooking apparatus of such building when occupied as a hotel, tavern, or eating-house to be surrounded with fire-brick at least *four and a-half inches* thick for a distance of *ten feet* at the least in height from the floor on which such furnace, copper, steam-boiler, close fire, cooking range or cooking apparatus may be constructed or placed.

Specification for brick chimneys for factories, etc.

26. Every person who shall erect a brick chimney in connection with any factory or place in which steam, water, or other mechanical power is to be employed, shall cause the same to be built of good sound bricks each capable of sustaining a presure of not less than 600 lbs. to the square inch, and incapable of absorbing as much as twelve per cent. of its own weight, and shall also construct such chimney in accordance with the following rules, and in every case the thickness of brick-work prescribed shall be the minimum thickness of brick-work of which any such chimney may be constructed :—

(*a*) He shall cause such chimney to be built of a diameter at the base of not less than *one-twelfth* of the height, and for a height of at least *twenty feet* from its base such chimney shall be lined with fire-brick.

(*b*) He shall cause the batter of such chimney to be not less than one-third of an inch to the foot.

(*c*) Where the inside diameter of the chimney at the top does not exceed *four feet six inches*, the thickness of the brick-work shall be as follows :—

From the top of the chimney to the level of *twenty-five feet* below the top, it shall be *nine inches* in thickness.

From the level of *twenty-five feet* below the top of the chimney to the level of *fifty feet* from the top, it shall be *fourteen inches and a-half* in thickness, and for each further space of *twenty-five feet* below the level of *fifty feet* from the top, the thickness shall be in like manner further increased to the extent of *four and a-half inches*.

(*d*) Where the inside diameter of the chimney at the top exceeds *four feet six inches*, the thickness of the brick-work shall be as follows :—

From the top of the chimney to the level of *twenty-five feet* below the top, it shall be *fourteen inches* in thickness.

From the level of *twenty-five feet* below the top of the chimney to the level of *fifty feet* below the top, it shall be *eighteen inches* in thickness, and for each further space of *twenty-five feet* below the level of *fifty feet* from the top, the thickness shall be in like manner further increased to the extent of *four and a-half inches*.

Specification for cut-stone masonry chimneys for factories, etc.

27. Every person who shall erect a chimney of cut-stone masonry in connection with any factory or place in which steam, water, or other mechanical power is to be employed, shall construct the same in accordance with the following rules, and in every case, the thickness of masonry

prescribed shall be the minimum thickness of masonry, of which any such chimney may be constructed :—

(*a*) He shall cause such chimney to be built of a diameter at the base of not less than *one-twelfth* of the height, and for a height of at least *twenty feet* from its base such chimney shall be lined with fire-brick.

(*b*) He shall cause the batter of such chimney to be not less than one-third of an inch to the foot.

(*c*) Where the inside diameter of the chimney at the top does not exceed *four feet six inches*, the thickness of the masonry shall be as follows :—

From the top of the chimney to the level of *twenty-five feet* below the top, it shall be *twelve inches* thick.

From the level of *twenty-five feet* below the top of the chimney to the level of *fifty feet* below the top, it shall be *eighteen inches* thick.

And for each further space of *twenty-five feet* below the level of *fifty feet* from the top, the thickness shall be in like manner further increased to the extent of six inches.

(*d*) Where the inside diameter of the chimney at the top exceeds *four feet six inches*, the thickness of the masonry shall be as follows :—

From the top of the chimney to the level of *twenty-five feet* below the top, it shall be *eighteen inches* thick.

From the level of *twenty-five feet* below the top of the chimney to the level of *fifty feet* below the top, it shall be two *feet* thick.

And for each further space of *twenty-five feet* below the level of *fifty feet* from the top, the thickness shall be in like manner further increased to the extent of six inches.

Open Buildings.

[a]28. Every person who shall erect a new open building shall construct the same in accordance with the following regulations :—

(*a*) The posts *shall be round or square of the dimensions prescribed for frame buildings and* shall run down into the solid ground to such depth as shall be prescribed by the Commissioner in each case or shall be securely built into a mass of masonry constructed of suitable building materials set either in lime or cement[a].

(*b*) Two diagonal braces where necessary shall be provided one from each side of the post to the post-plate and securely fastened thereto.

(*c*) One diagonal brace where necessary shall be provided from one side of each post to the tie-beam and securely fastened thereto.

(*d*) The post-plates shall be securely tied or braced across each angle.

(*e*) The roof shall be properly and securely framed with trusses or with the written permission of the Commissioner supported by posts or cross beams.

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[a–a] As amended by Government Notification No. 5990, General, dated 30th October 1897, *B. G. G.*, 1897, Pt. I, p. 1838.

29. Every person who shall erect a new building shall be responsible that all the building materials used are sound, of good quality and properly put together, so as to ensure safety. Any breach of this Bye-law shall be brought directly to the notice of the Commissioner who shall in each case satisfy himself, either personally or by an officer specially appointed for the purpose and not lower in rank than a Superintendent of Buildings, whether this Bye-law has been infringed or not.

*With respect to the provision and maintenance of sufficient open space, either external or internal, about buildings to secure a free circulation of air and of other means for the adequate ventilation of buildings.*

Limit of height of buildings abutting on or near streets less than 50 feet wide.

[a]30. A person who shall erect a new building which abuts on a street of less than *fifty feet* in width or any part of which is within a distance of half the width of such street from a street of less width than *fifty feet or who shall after erection of such a building make any addition thereto* shall not, without the written permission of the Commissioner, erect such building *or raise the same by means of any such addition* to a greater height than one and a half times the width between the point at which such building approaches nearest to the street and the opposite side of such street[a].

Provided that nothing herein contained shall debar any person from building up to the full height of any building (belonging to himself) which has stood within two years on the same site, and on which he has not been precluded from building by any injunction or order of a Court.

Open spaces around dwelling-houses.

31. Every person who shall erect a new dwelling-house shall so construct such dwelling-house that the whole of at least one side of every room thereof intended to be inhabited shall either be an external wall abutting on the open air or abut on an interior open space having an area equal to not less than one-tenth of the aggregate floor area of all the rooms abutting thereon, and being not less in any direction than six feet across.

He shall provide between at least two of the external walls and the boundary line of the owner's premises, except where either of such wall faces a street of not less than fifteen feet in width, an open space extending throughout the entire length of such wall, at least two feet wide. He shall cause every interior open space required by this Bye-law to be constructed and kept free from any erection thereon and open to the sky and no cornice, roof or weather shade shall project or overhang the said open space more than six inches on any side thereof; provided that such connecting passages may be allowed as to the Commissioner shall seem necessary, such passages being open on one or both sides.

Height of rooms.

He shall construct every room intended to be inhabited in such building, except a room in the roof thereof, so that the same shall be in every part at least eight feet in height from the floor to the ceiling.

He shall so construct every such room in the roof or such building that the same shall have an average height of at least seven feet from the floor to the ceiling.

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[a—a] As amended by Government Notification No. 5990, General, dated 30th October 1897, *B. G. G*, 1897, Pt. I, p. 1838.

He shall so construct every such room that the same shall have a clear superficial area of not less than eighty square feet.

Superficial area of rooms.

He shall so construct every such room that the same shall be ventilated by means of doors or windows which open directly into the external air, and have an aggregate opening equal to not less than one-fourth of the superficial area of that side of the room which faces an open space.

Ventilation of rooms.

32. Every person who shall erect huts or sheds or ranges or blocks of huts or sheds, whether the same are to be used as dwellings or stables or for any other purpose, shall, if the Commissioner so require, build the same—

Huts, sheds, or ranges.

(i) so that they may stand in regular lines with a free passage or way in front of and between every two lines of such width as the Commissioner may direct for ventilation and for facilitating scavenging; and,

(ii) with such and so many privies, latrines or urinals and such means of drainage as the Commissioner may require; and,

(iii) at such a level as will suffice for the means of drainage required by the Commissioner.

*With respect to the Construction of Privies.*

33. Every person who shall erect a new building shall, in connection with such building, construct such number of privies as shall be prescribed in each case by the Commissioner.

Privy accommodation.

34. A person who shall construct a new privy, whether in connection with a building or not, shall construct such privy upon such site or in such position only as shall be approved by the Commissioner.

Site of privies.

35. A person who shall construct a privy in connection with a building shall not, without the written permission of the Commissioner, construct such privy within the distance of *twenty feet* from any well, spring, tank or stream of water used or likely to be used by man for drinking or domestic purposes, or for manufacturing drinks for the use of man, or otherwise in such a position as to render any such water liable to pollution.

Proximity of privies to water-supply.

36. Every person who shall construct a privy in connection with a building shall so construct the same as to leave an external air space of not less than three feet in width and open to the sky surrounding such privy on every side thereof, except the entrance side, where any gallery or passage communicating with such privy shall be not less than two feet in width, and shall be open to the external air on both sides.

Air space round privies.

37 Every person who shall construct a privy in connection with a building shall provide such privy with a sufficient opening or with sufficient openings for ventilation to

Ventilation of privies.

the satisfaction of the Commissioner, and such opening or openings shall be as near to the top as practicable, and shall communicate directly with the external air.

No room to be erected over a privy.

38. No person shall construct over a privy, whether old or new, any room or structure of any description except another privy or a bathing place or bath-room.

*As to the giving of certain Notices by Persons intending to construct buildings.*

Notice of covering up foundation.

39. Every person who shall erect a building within the meaning of sub-section (2) of Section 337 of the Act, shall, before proceeding to cover up any foundation of a building, deliver or send or cause to be delivered or sent to the Engineer, at his office, notice in writing in which shall be specified the date on which such person will proceed to cover up such foundation.

40. In every case—

Contraventions of Bye-laws to be amended.

Where a person, who shall erect a building, shall at any reasonable time during the progress or after the completion of the erection of such building, receive from the Engineer notice in writing specifying any matters in respect of which the erection of such building may be in contravention of any Bye-law relating to new buildings and requiring such person, within a reasonable time which shall be specified in such notice, to cause anything done contrary to any such Bye-law to be amended, or to do anything which by any such Bye-law may be required to be done, but which has been omitted to be done.

Such person shall, within the time specified in such notice, comply with the several requirements thereof, so far as such requirements relate to matters in respect of which the erection of such building may be in contravention of any such Bye-law.

Notice of completion of amendments.

Such person, within a reasonable time after the completion of any work which may have been executed in accordance with any such requirement, shall deliver or send or cause to be delivered or sent to the Engineer at his office, notice in writing of the completion of such work.

Notice of completion of buildings.

41. Every person who shall erect a building shall within one month after the completion of the erection of such building, deliver or send or cause to be delivered or sent to the Engineer, at his office, notice in writing of the completion of the erection of such building.

*Penalties.*

42. Every person who shall commit any breach of any of the foregoing Bye-laws shall be punishable with fine which may extend to twenty rupees, and in the case of a continuing breach, with fine which may extend to ten rupees for every day after conviction for the first breach or after receipt of written notice from the Commissioner to discontinue the breach, during which the breach continues.

*Evidence of exercise of powers, duties or functions.*

43. Whenever, under any of the foregoing Bye-laws, the doing or the omitting to do a thing or the validity of anything depend upon the sanction, permission, approval, order, direction, requisition, notice, or satisfaction of the Commissioner, a written document signed by the Commissioner, or by any Municipal officer to whom the Commissioner may have delegated his powers, duties or functions in that behalf, purporting to convey, or set forth his sanction, permission, approval, order, direction, requisition, notice or satisfaction shall be sufficient *primâ facie* evidence of such sanction, permission, approval, order, direction, requisition, notice or satisfaction.

44. In all cases in which under these Bye-laws dimensions are prescribed, the Commissioner shall have power, on application being made to that end, to permit of such dimensions being modified.

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BYE-LAWS RELATING TO MARKETS AND SLAUGHTER-HOUSES.

*Notn. No. 2148, General, dated 27th May 1895, B. G. G., 1895, Pt. I, p. 607.*

The following Bye-laws made by the Municipal Corporation of the City of Bombay under Sections 461 and 462 of the City of Bombay Municipal Act No. III of 1888, and confirmed by His Excellency the Governor in Council under Section 463, are published for general information :—

*BYE-LAWS relating to Markets and Slaughter-houses under the authority of Section 461, clauses (k), (l), (m), (n) and (o), and Section 462 of the City of Bombay Municipal Act, 1888.*

CHAPTER I.

*General.*

Interpretation of terms.

1. In the construction of the Bye-laws hereinafter contained, the following words and expressions shall have the meanings hereinafter respectively assigned to them, unless such meanings be repugnant to, or inconsistent with, the context or subject-matter in which such words or expressions occur : that is to say :

Words importing the singular number shall include the plural, and the plural the singular, and words importing the masculine gender shall include females.

"The Act" means the City of Bombay Municipal Act, 1888, and includes any Act which may hereafter be passed in substitution for, or amendment of, the said Act.

"The Commissioner" means the Municipal Commissioner for the City of Bombay appointed under Section 54 of the Act, and includes an Acting Commissioner appointed under sub-section (3) of Section 59 of the Act.

"The Health Officer" means the Municipal Executive Health Officer for the time being appointed or acting under the Act.

"The Superintendent" means the Superintendent of Markets and Slaughter-houses for the time being.

The expression "a standing" shall include any place, space or accommodation, whether defined or not, which may be allotted or allowed to any person resorting to a market for the purpose of sitting thereat as a seller of goods or wares, or for the purpose of placing thereon any stand, bench, board, tray, or other like thing.

*Delegation of Powers, Duties and Function of Commissioner.*

2. Any of the powers, duties or functions conferred, or imposed upon, or vested in the Commissioner by any of the following Bye-laws, may be exercised, performed, or discharged under the Commissioner's control, and subject to his revision and to such conditions and limitations, if any, as he shall think fit to prescribe, by any Municipal Officer whom the Commissioner generally or specially empowers in writing in this behalf; and in each of the said Bye-laws the word "Commissioner" shall, to the extent to which any Municipal officer is so empowered, be deemed to include such officer.

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## CHAPTER II.

*Municipal Markets.*

Tenant, &c., to allow free access for inspection.

1. Every tenant or occupier of any shop, stall, godown, or standing in a Municipal market shall at all times afford free access thereto for purposes of inspection to the Commissioner, the Health Officer or the Superintendent, or to any Municipal Officer appointed in that behalf by the Commissioner.

Not to bring in goods except those intended for sale, or to allow passages or approaches to be blocked.

2. A tenant or occupier of any shop, stall, godown, or standing in a Municipal market shall not bring or cause to be brought into such market any goods, provisions, or marketable commodities, except such as are intended for sale in such market, nor shall he for any longer time or in any other manner than shall be reasonably necessary for the conveyance of such goods, provisions, or marketable commodities to or from such shop, stall, godown, or standing, or any part of such market, place or deposit, or cause or allow to be deposited, in any passage or place adjoining such shop, stall, godown, or standing, or elsewhere, in such market, or in any of the immediate approaches thereto, any hamper, crate, basket, box, barrel or other receptacle for any goods brought into such market for the purpose of sale or of exposure of sale.

Goods, &c., not to project beyond shops.

3. A tenant or occupier of any shop, stall, godown, or standing in a Municipal market shall not cause or allow any goods, provisions, marketable commodities, or articles to be deposited or exposed for sale in or upon such shop, stall, godown, or standing, so that such goods, provisions, marketable commodities or articles, or any part thereof shall project beyond the line of such shop, stall, or godown, or beyond the limits assigned to such standing so as to obstruct the passage of any person or of any goods, provisions, marketable commodities, or articles in or through the market or any part thereof.

4. Every tenant and occupier of any shop, stall, godown, or standing in any Municipal market shall daily arrange his goods before the hour of 6 A.M., and shall remove or put them away, and, in the case of a tenant or occupier of a shop, stall, or godown, close such shop, stall, or godown before the hour which may for the time being be prescribed by the Commissioner as the hour for closing such market, so as to admit of the market being thoroughly cleansed.

Shops to be arranged before 6 A.M. and closed before closing hour.

5. Every tenant and occupier of any shop, stall or godown in a Municipal market shall cause the same to be kept in a cleanly condition, shall allow no refuse or garbage to remain about it, but shall cause the same to be put in a tub, box or basket and to be carried to the proper receptacle.

Shops, &c., to be kept clean.

No person shall waste the water supplied in any Municipal market by the Corporation.

Water not to be wasted.

6. Every tenant and occupier and every servant of a tenant or occupier of any shop, stall, godown, or standing in any Municipal market shall at all times be decently and properly dressed when present in the market; and no tenant or occupier of a stall at which meat or fish is sold shall sit in or upon his stall so as to be in contact with such meat or fish.

Tenants, &c., of shops and their employés to be decently clad.

[a] 7. Except in cases to which clause (*b*) or clause (*c*) of Section 407 of the Act applies and subject as to cases coming within clause (*c*) to such conditions as may be imposed thereunder, no person shall—

No tenancies except direct from the Corporation.

(*a*) occupy or use any shop, stall, godown, standing, bench, table, compartment, place or space in any Municipal Market, except as the immediate tenant or occupier thereof from the Corporation;

Only immediate tenants or occupiers from Corporation and their employés to sell in market.

(*b*) not being the immediate tenant or occupier from the Corporation, or an employé of such immediate tenant or occupier, sell or offer or expose for sale, or deposit for sale or otherwise, any articles in or upon any shop, stall, godown, standing, bench, table, compartment, place or space in any Municipal Market;

No assignments or subletting permitted.

(*c*) assign, sub-let, or part with the possession of any shop, stall, godown, standing, bench, table, compartment, place or space in any Municipal Market.

8. Every tenant or occupier of any shop, stall, godown, or standing in any Municipal market, who shall employ another person to carry on his business at such shop, stall, godown, or standing on his behalf and as his substitute, shall register with the Superintendent of Markets, and from time to time keep so registered, the name of every such employé who may for the time being be deputed to act for him as aforesaid.

Persons appointed as substitutes for tenants, &c., to be registered.

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[ ] This by-law was framed in supersession of By-law No. 7 of Chapter II, by G. N. No. 5497, General, dated 4th October 1905, *B. G. G.*, 1905, Pt. I, p. 1340.

Substitutes prohibited by Commissioner not to be employed.

He shall forthwith cease to employ at such shop, stall, godown, or standing as such substitute as aforesaid any person whose employment in that capacity may be prohibited in writing by the Commissioner.

No sales by auction without permission.

9. No person shall hold any sale by auction in any Municipal market without the written consent of the Commissioner.

Sale by sample by persons not being tenants, &c., prohibited.

No person who is not a tenant or occupier of a shop, stall, godown, or standing in a Municipal market shall sell articles by sample in such market or its approaches, the bulk being elsewhere, or shall in such market tout for, or take an order, for any article.

Obstruction and laying hand on persons resorting to markets to obtain their customs not allowed.

No person, whether an occupier or not, shall obstruct or lay hand on persons resorting to the market in soliciting their custom.

No hawking, carrying about or crying of articles for sale.

10. No person shall hawk, carry about, or cry any article whatever for sale in any Municipal market.

No noisy instrument to be used to attract purchasers.

No person for the purpose of attracting purchasers to his shop, stall, godown, standing, bench, table, compartment, place or space, shall use in any Municipal market any bell or other noisy instrument whatever.

No dogs allowed.

11. No person shall bring any dog, or knowingly permit any dog to follow him into any Municipal market.

No whistling, shouting or offensive language allowed.

12. No person shall, in any Municipal market, whistle, shout or make use of any violent, obscene, abusive, disgusting or offensive language.

No smoking, spitting pán-supári juice, or throwing about of orange peel, &c., allowed.

13. No person shall in any Municipal market smoke, spit the juice of "pán-supári," or wilfully or negligently throw or drop in or upon any avenue or passage of such market or any of the immediate approaches thereto, any orange peel, vegetable substance, or other matter whatsoever to the danger or damage of any person.

No loitering or standing in passages, &c., allowed.

14. No person shall loiter or stand in any of the avenues or passages of any Municipal market or its immediate approaches to the annoyance or obstruction of any person.

No person shall remove any meat or offal from any Municipal market without first wrapping the same up in cloth or paper, so that it shall not be exposed to the public view.

No sleeping allowed in markets.

No person shall sleep in or on any shop, stall, godown, or other place within the limits of any Municipal market.

15. No person shall ply for hire as a helkari or cooly in any Municipal market unless he be in the service of a tenant or occupier of some shop, stall, godown, or standing in such market, or be brought into such market by a person resorting thereto for the purpose of purchasing therein.

No helkaries or coolies to ply in markets unless in employ of tenants, &c., or purchasers.

Every person plying for hire as a helkari or cooly as aforesaid shall wear a badge on the sleeve of his left arm granted to him by the Superintendent, for which a deposit of Rs. 1 will be required, together with the name and address of the holder to be entered in a register kept for the purpose, and such badge may be withdrawn at any time.

16. No person resorting to a Mnnicipal market as a buyer or seller or as a helkari or cooly, shall at any time refuse, neglect or omit to comply with any reasonable directions of the Superintendent or any of his assistants for the maintenance of order and regularity.

Directions of Superintendent for maintenance of order to be obeyed.

17. Weights and measures according to recognized local standard of weights and measures will be kept in or near the principal Municipal market called the Arthur Crawford Markets, and an officer appointed by the Commissioner in that behalf will attend at this market at times to be fixed by the Commissioner, for the purpose of verifying weights and measures by comparison with the said standards, and for stamping the weights and measures so verified.

Standard weights and measures.

18. No tenant or occupier of a shop, stall, godown, or standing, in a Municipal market shall keep at such shop, stall, godown, or standing, any weight or measure which has not been duly verified by comparison with the standard weight or measure and stamped in accordance with the provisions of Sections 418 and 419 of the Act.

No tenants, &c., to keep weights or measures, other than such as have been verified and stamped under sections 418 and 419 of the Act.

19. An officer appointed by the Commissioner in that behalf of the farmer or contractor, to whom the right may have been farmed, will attend at the Arthur Crawford Markets or other Municipal markets, at times to be fixed by the Commissioner, for the purpose of weighing and measuring goods and articles. Fees shall be payable therefor as shall be fixed by the Commissioner with the sanction of the Standing Committee.

Weighment and measurement of goods.

20. Every person who brings or causes to be brought any goods or articles to be weighed or measured by the Municipal standard weights or measures shall immediately after the weighing or measurement thereof is completed, cause the said goods or articles to be forthwith removed.

Goods to be removed after weighment or measurement.

21. No person shall deliver to a purchaser any goods or articles of a less weight or measure than has been represented, or that have been fraudulently or deceptively packed.

Short weight or measure and fraudulent packing prohibited.

## CHAPTER III.

### *Private Markets.*

Free access to be afforded to shops, stalls, &c., for inspection.

1. Every owner, lessee, contractor, agent, tenant or occupier of a private market or of any shop, stall, godown, or standing therein shall at all times afford free access to every part of the premises for purposes of inspection, to the Commissioner, the Health Officer, or the Superintendent, or to any Municipal Officer appointed in that behalf by the Commissioner.

Licensees to cause markets to be properly lighted.

2. Every person to whom a license has been or may be granted by the Commissioner, under Section 403 of the Act, to keep open a private market, shall cause such market to be properly lighted to the satisfaction of the Commissioner by gas or oil lamps or electricity from sunset until the hour which may for the time being be prescribed by the Commissioner as the hour for closing such market.

3. Every person to whom a license has been or may be granted by the Commissioner, under Section 403 of the Act, to keep open a private market shall comply with the following regulations for securing and maintaining such market in a proper sanitary condition :—

Licensees to lime-wash twice a year or oftener if required.

(*a*) He shall twice at least in every year, and oftener if required so to do by the Commissioner, cause the said market to be lime-washed both internally and externally to the satisfaction of the Commissioner.

And to paint once in every two years or oftener if required.

(*b*) He shall once at least in every two years, and oftener if required so to do by the Commissioner, cause, all woodwork or ironwork in the building of the said market to be painted to the satisfaction of the Commissioner.

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## CHAPTER IV.

### *Municipal Slaughter-houses.*

### *Bándra Slaughter-houses.*

Municipal slaughter-houses at Bándra for slaughter of animals other than pigs.

1. The Municipal slaughter-houses at Bándra are established and set apart for the slaughter of animals other than pigs, intended for human food for consumption in the city.

Animals brought for slaughter to be presented for inspection and fair ground fees to be paid.

2. A person bringing an animal intended for slaughter to the Municipal slaughter-houses at Bándra shall present such animal for inspection to the Superintendent or his Assistant at the fair ground attached to the said slaughter-houses (and which forms part of the slaughter-house premises) at least 48 hours before the time at which such animal is intended to be slaughtered, and shall pay the fair ground fee for such animal according to the scale for the time being in force.

3. The Superintendent, or his Assistant for the time being in charge at the fair ground, shall inspect and examine every animal so presented, and shall cause to be branded with some distinctive mark (but in such manner as not to cause pain) every such animal which he may consider fit to be slaughtered for human food.

Officer in charge to inspect and brand animals fit for slaughter.

An animal so marked will, on payment of a slaughter and carrying fee at the rate for the time being in force, be admitted for slaughter into the inner yard of the slaughter houses, provided that no animal shall be permitted to pass into the inner yard of the slaughter-houses at a later hour in the day than 5 P. M. during the period from 1st October to 28th February or than 5-30 P. M. during the period from 1st March to 30th September.

Branded animals admitted to inner yard on payment of slaughter and carrying fees. Time for passing into inner yard.

4. The Superintendent, or his Assistant whose duty it is to inspect any animal presented for inspection shall reject any such animal which for any reason may appear to him unfit to be slaughtered for human food. The owner of an animal so rejected shall cause it to be forthwith removed from the slaughter-house premises.

Animals unfit for slaughter to be rejected and removed.

5. A person shall not under any circumstances pass or attempt to pass into the inner yard of the slaughter-houses any animal which has not been inspected and branded as fit for slaughter under Bye-law 3 of this Chapter. Any animal which has not been branded as aforesaid found within the inner yard of the slaughter-houses will forthwith be removed from the slaughter-house premises, and if it appears to be diseased, unsound, or unfit for human food will be dealt with pursuant to the provisions of Sections 415 and 417 of the Act.

No unbranded animal to be passed into inner yard. Any found there unbranded to be removed and if necessary dealt with under sections 415 and 417 of the Act.

6. Should an animal which has been inspected and branded as aforesaid be found before slaughter to be diseased, unsound or otherwise unfit for human food, it will, notwithstanding it has been so branded, be forthwith removed from the slaughter-house premises, to be dealt with pursuant to the provisions of Sections 415 and 417 of the Act.

Animals though branded if found before slaughter to be diseased, &c., to be dealt with under sections 415 and 417 of the Act.

7. Should the carcass of an animal which has been inspected and branded as aforesaid be found after slaughter to be diseased, unsound, or otherwise unfit for human food, it will, notwithstanding the animal was so branded, be dealt with pursuant to the provisions of Section 416 of the Act. All fees paid in respect of the animals in Bye-laws 6 and 7 referred to, except the slaughter-fee in the case of animals slaughtered, will be refunded on application to the Superintendent.

Carcasses of animals though branded, if found diseased, &c., after slaughter to be dealt with under section 416 of the Act.

8. Every person desirous of carrying on the business of a butcher, broker, shroff, cattle dealer or hide-dealer, or of otherwise carrying on trade or business, or of working for gain within the limits of the slaughter-house premises shall obtain from the Commissioner a

Butchers and others carrying on business to be licensed.

written permission or ticket of license to enter and carry on such business within the said premises on payment of such annual or other fee as shall from time to time be fixed by the Commissioner with the sanction of the Corporation, and no person shall carry on any such trade or business or work for gain within the limits aforesaid without such written permission or ticket of license.

Animals to be slaughtered without unnecessary pain.

9. All animals are to be slaughtered in such a manner as will not cause unnecessary pain or suffering, and in dressing any carcass or portion of a carcass, the meat shall not be subjected to the process of "blowing" or "fooka" by any person.

No unlicensed persons to enter slaughter-houses or fair ground.

10. No person not being the holder of a written permission or ticket of license shall without the previous permission of the Commissioner enter the Municipal slaughter-houses or fair ground at Bándra.

No sticks, bludgeons, &c., to be carried.

11. No person shall carry any stick, bludgeon or other weapon within the limits of the Municipal slaughter-houses or fair ground at Bándra.

## Slaughter-house for Pigs at Sona'pore.

Slaughter-house at Sonápore for pigs.

12. The Municipal slaughter-house for pigs at Sonápore is established and set apart for the slaughter of pigs intended for human food for consumption in the city.

Pigs brought for slaughter to be presented for inspection, and slaughter-fees to be paid.

13. A person bringing a pig intended for slaughter to the Municipal slaughter-house for pigs at Sonápore shall present such pigs for inspection to the Superintendent, or his Assistant in charge, at the slaughter-house, who shall inspect and examine every pig so presented, and shall pass every such pig which he may consider fit to be slaughtered for human food. A pig so passed will, on payment of such slaughter-fee as may from time to time be fixed by the Commissioner, with the approval of the Standing Committee, under the provisions of Section 407 (*a*) of the Act, be admitted for slaughter in the said slaughter-house: Provided that no slaughtering shall, without the previous special permission in writing of the Commissioner, be permitted in such slaughter-house except at night between the hours of sunset and sunrise.

## Municipal Slaughter-houses generally.

Directions of Superintendent for maintenance of order to be obeyed.

14. No person resorting to a Municipal slaughter-house for any purpose shall at any time refuse, neglect or omit to comply with any reasonable directions of the Superintendent or any of his assistants for the maintenance of order and regularity.

CHAPTER V.

*Penalties.*

Every person who shall commit any breach of any of the foregoing Bye-laws contained in Chapters II, III and IV of these Bye-laws, shall be liable for every such breach to fine which may extend to rupees 20, and in the case of a continuing breach to fine which may extend to Rs. 10 for every day after conviction for the first breach or after receipt of written notice from the Commissioner to discontinue the breach during which the breach continues.

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BYE-LAWS UNDER CLAUSES (*a*), (*b*), (*f*), (*g*), (*h*), (*j*) AND (*p*) OF SECTION 461 OF THE ACT.

*Notn. No. 2728, General, dated 2nd July 1895, B. G. G., 1895, Pt. I, p. 740.*

The following Bye-laws, made by the Municipal Corporation of the City of Bombay under Section 461 of the City of Bombay Municipal Act No. III of 1888, and confirmed by His Excellency the Governor in Council under Section 463, are published for general information :—

BYE-LAWS.

*Under the authority of Section 461 of the City of Bombay Municipal Act, 1888.*

Under clause (*a*) :—For regulating Municipal Water Works in certain particular.

Under clause (*b*) :—For regulating the supply and use of water at the public tanks and wells.

Under clause (*f*) :—With respect to the control and supervision of premises used for purposes mentioned in Section 394 of the Act and of trades and manufactures carried on therein.

Under clause (*g*) :—With respect to the inspection of milch cattle and prescribing and regulating the construction, dimensions, ventilation, lighting, cleansing, drainage, and water-supply of dairies and cattle sheds in the occupation of persons following the trade of dairymen or milk-sellers.

Under clause (*h*) :—For securing the cleanliness of milk stores, milk shops and milk vessels used by dairymen and milk-sellers for containing milk.

Under clause (*j*) :—Requiring notice to be given whenever any milch animal is affected with any contagious disease and prescribing precautions to be taken for protecting milch cattle and milk against infection or contamination.

Under clause (*p*) :—For regulating the disposal of the dead and the maintenance of all places for the disposal of the dead in good order and in a

safe sanitary condition, due regard being had to the religious usages of the several classes of the community.

GENERAL.

Interpretation.

1. In the following Bye-laws the Act means "The City of Bombay Municipal Act, 1888." Words and expressions which are defined in the Act have the same meaning as in the Act.

Delegation of powers, duties, and functions of Commissioner.

2. Any of the powers, duties or functions, conferred, or imposed upon or vested in the Commissioner by any of the following Bye-laws, may be exercised, performed or discharged under the Commissioner's control and subject to his revision and to such conditions and limitations, if any, as he shall think fit to prescribe, by any Municipal Officer whom the Commissioner generally or specially empowers in writing in this behalf; and in each of the said Bye-laws the word "Commissioner" shall, to the extent to which any Municipal Officer is so empowered, be deemed to include such officer.

Evidence of exercise of powers, duties or functions.

3. Whenever under any of the following Bye-laws the doing or omitting to do anything or the validity of anything depends upon the sanction, permission, approval, order direction, requisition, notice or satisfaction of the Commissioner, a written document signed by the Commissioner or any Municipal Officer to whom the Commissioner may have delegated his powers, duties or functions in that behalf, purporting to convey or set forth his sanction, permission, approval, order, direction, requistion, notice or satisfaction shall be sufficient evidence of such sanction, permission, approval, order, direction, requisition, notice or satisfaction.

*Under clauses (a) and (b) :—With respect to the regulation of Municipal Water Works and the supply and use of water at the public tanks and wells.*

1. No person shall bathe in any part of the Vehar Lake, the Tulsi Lake, the Pawai Lake or the Tansa Lake, or in any stream, duct or conduit by which water is or may be conducted from either of the said lakes into Bombay or in any Municipal reservoir, or in any public tank or well, other than such public tanks or wells (if any) as may from time to time be assigned and set apart by the Commissioner for the purpose of bathing.

2. No person having charge of any animal shall permit or suffer the same to stray or otherwise go into either of the lakes or in any stream, duct or conduit aforesaid.

3. No person shall wash any horse, cow, buffalo, sheep or other animal in any public tank or well, other than such public tanks or wells (if any) as may from time to time be assigned and set apart by the Commissioner for the purpose of washing animals.

4. No person shall cause or suffer any vehicle or horse, or any animal of which he may be in charge except "bhistis' water bullocks" to go or be upon the pavement surrounding or adjoining or pertaining to any public tank or well other than such public tanks or wells (if any) as may from time

to time be assigned and set apart by the Commissioner for the purpose of washing animals.

5. A person resorting to a public tank or well shall not use, for drawing water therefrom, any pakhal, pot, chatty or other vessel which is not in a cleanly state.

He shall not rinse out, wash or cleanse, in such tank or well, any pakhál, pot, chatty or other vessel.

He shall not throw or pour back any water into such tank or well.

*Under clause (f) :—With respect to the control and supervision of premises used for purposes mentioned in Section 394 of the Act and of trades and manufactures carried on therein.*

CHAPTER I.

Applicants for licenses to submit, if required, written applications, plans, &c.

1. Every person who shall apply to the Commissioner for a license to use any premises for any of the purposes mentioned in Section 394 of the Act, shall, if required so to do by the Commissioner, submit an application in writing, and shall also, if so required, furnish a plan of the premises and such other details and information in writing as may be called for in reference to the said premises or the use to which the same are intended to be put.

Owners of premises to furnish, if required, names of occupants.

2. Every owner of any premises used for any of the purposes mentioned in Section 394 of the Act, shall furnish to the Commissioner, whenever required, a statement in writing, containing the name of the person, or if more than one, of each of the persons, occupying the said premises, or using the same, for any of the purposes aforesaid.

License-holders to afford facilities for examination of premises.

3. Every person who may have obtained from the Commissioner a license for the use of any premises for any of the purposes mentioned in Section 394 of the Act shall, at all times, afford every facility and assistance in his power to enable the Commissioner to inspect and thoroughly examine the said premises under the provisions of Section 396 of the Act.

CHAPTER II.

*Premises used for packing, pressing, cleansing, preparing or manufacturing by any process whatever cloths in indigo or other colours.*

License-holder to store materials not required for immediate use so as to prevent emission of effluvia.

4. Every person who may have obtained from the Commissioner a license for the use of any premises for the purpose of packing, pressing, cleansing, preparing or manufacturing by any process whatever cloths in indigo or other colours shall cause all materials which have been received upon the said premises and which are

not required for immediate use, to be stored in such a manner and in such a situation as to prevent the emission of noxious or injurious effluvia therefrom.

To adopt best means of rendering vapours innocuous.

5. He shall adopt the best practicable means of rendering innocuous all vapour emitted during any trade process, either from the articles operated upon or from the contents of any cask, tank, vat, pan, or other receptacle upon the said premises.

To cleanse premises daily.

6. He shall at the close of every working day cause the said premises to be thoroughly cleansed.

To keep floors, &c., in good repair.

7. He shall cause every floor or pavement upon the said premises to be kept at all times in good order and repair, so as to prevent the absorption of any liquid, filth or refuse, or any noxious or injurious matter which may fall or be deposited thereon.

To keep drying ground free from hollows, &c.

8. He shall cause the drying ground and all the ground surface of the said premises to be kept smooth and free from hollows or inequalities so as to prevent any accumulation thereon of any liquid, filth or refuse.

To maintain drainage in good order.

9. He shall cause every drain or means of drainage upon or in connection with the said premises to be maintained at all times in good order and efficient action.

## Chapter III.

*Premises used for storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever any of the following articles, viz.:—*

| | | | |
|---|---|---|---|
| *Blood,* | *Catgut,* | *Meat,* | *Soap,* |
| *Bones,* | *Fat,* | *Offal,* | *Tallow.* |
| *Candles,* | *Manure,* | *Oil-cloth,* | |

License-holder to cause premises to be cleansed daily.

10. Every person who may have obtained from the Commissioner a license for the use of any premises for the purpose of storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever any of the following, *viz.*:—

| | | | |
|---|---|---|---|
| Blood, | Catgut, | Meat, | Soap, |
| Bones, | Fat, | Offal, | Tallow, |
| Candles, | Manure, | Oil-cloth, | |

shall at the close of every working day cause the said premises to be cleansed.

To cause refuse fragments to be collected.

He shall at the same time cause all refuse fragments of animal or other matter which have fallen or been deposited upon any part of the said premises to be collected and placed in a suitable receptacle to the satisfaction of the Commissioner.

11. He shall cause the interior and exterior of every boiling pan, and of every cask, tank, vat, pan, trough or other receptacle upon the said premises to be thoroughly cleansed from time to time as often as may be necessary to prevent any accumulation of filth in or upon the cask, pan, tank, vat, trough or receptacle. (1)

To cause all receptacles to be kept clean.

12. He shall cause all materials which have been received on the said premises and which are not required for immediate use in his trade to be stored in such a manner and in such a situation as to prevent the emission of noxious or injurious effluvia therefrom.

To store materials not required for immediate use so as to prevent emission of effluvia.

13. He shall adopt the best practicable means of rendering innocuous all gas or vapour emitted during any trade process either from the articles operated upon or from the contents of any cask, tank, vat, pan, trough or other receptacle upon the said premises.

To adopt best means of rendering vapours innocuous.

14. He shall cause every part of the internal surfaces of the walls of any building and every floor and pavement upon the said premises to be kept at all times in good order and repair so as to prevent the absorption therein of any liquid, filth or refuse, or any noxious or injurious matter which may be splashed or may fall to be deposited thereon.

To keep all internal surfaces of walls and floors in good order.

15. He shall cause every part of the internal surface of the walls and ceiling of every building upon the said premises to be thoroughly lime-washed twice at least in every year or oftener if so required by the Commissioner.

To lime-wash interior twice a year or oftener.

16. He shall cause every drain or means of drainage upon or in connection with the said premises to be maintained at *all* (2) times in good order and efficient action.

To maintain drainage in good order.

17. He shall cause every such means of ventilation as may be provided in or in connection with the said premises to be maintained at all times in good order and efficient action.

To maintain ventilation in good order.

18. He shall at all times adopt and cause to be maintained in good order and efficient action upon the said premises all such appliances or means as the Commissioner may from time to time require, for the purpose of preventing, abating, or minimizing any nuisance or annoyance to the neighbourhood or to the public from the use to which the said premises are put.

To adopt and maintain appliances, &c., for preventing nuisance.

19. He shall not permit or suffer any building upon the said premises in or upon which any of the said articles is or are stored or kept to be used for human habitation :

Buildings used for storing not to be inhabited.

Provided, however, that nothing in this Chapter shall be deemed to apply to the keeping or storage of any of the articles aforesaid after the preparation or manufacture thereof has been fully completed.

Not to apply to storage of fully manufactured articles.

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(1) As corrected by Notification No. 424, dated 28th January 1896, *B. G. G.*, 1896, Pt. I., p. 76.

(2) The word "all" was inserted by Notification No. 424, dated 28th January 1896, *B. G. G.*, 1896, Pt. I, p. 76.

## CHAPTER IV.

*Premises used for cleansing or preparing by any process whatever hides or skins.*

Licensee-holder to cause premises to be swept daily.

20. Every person who may have obtained from the Commissioner a license for the use of any premises for the purpose of cleansing or preparing by any process whatever hides or skins shall at the close of every working day cause every floor or pavement on the said premises to be thoroughly swept.

To cause hair, fleshings, &c., to be collected,

He shall at the same time cause all hair, fleshings and refuse fragments of skin, or other matter detached from any hide or butt, to be collected and placed in a suitable part of the said premises to await removal therefrom.

and removed.

He shall cause the hair, fleshings and refuse fragments which have been so collected and which are not intended to be subjected to any further trade process upon the said premises to be removed therefrom with all reasonable despatch.

To cause implements and apparatus to be kept clean.

21. He shall cause every beam, table, bench, knife, hammer or other implement or apparatus used upon the said premises for the purpose of unhairing, fleshing, rounding, scudding, or stacking any hide or butt or in any other process of his trade, to be cleansed from time to time as often as may be necessary to prevent any accumulation of filth upon the beam, table, bench, knife, hammer, implement or apparatus.

To cause waste lime to be removed from premises with proper precautions.

22. He shall cause all waste lime which has been taken out of any pit upon the said premises to be forthwith deposited in suitable vessels or receptacles or in a properly constructed cart or carriage which, when filled or loaded, shall be covered in such a manner as to prevent the emission of noxious or injurious effluvia from the contents thereof, and shall, with all reasonable despatch, be removed from the premises.

To cause walls to be scraped or otherwise cleansed periodically.

23. He shall cause all filth which has been splashed upon any part of the internal surface of any wall of any building upon the said premises to be removed by scraping or by some other effectual means of cleansing at least twice in every year, or oftener if so required by the Commissioner.

To cause interior to be lime-washed.

He shall at the same time cause every part of the interior above the floor or pavement of the building to be thoroughly washed with hot lime-wash.

To cause walls and floors to be kept in good repair to prevent absorption of noxious matter.

24. He shall cause every part of the internal surface of walls of any building and every floor or pavement upon the said premises to be kept at all times in good order and repair so as to prevent the absorption therein of any liquid, filth or refuse, or any noxious or injurious matter which may be splashed or may fall or be deposited thereon.

To maintain drainage in good order.

25. He shall cause every drain or means of drainage upon or in connection with the said premises to be maintained at all times in good order and efficient action.

*Premises used for storing, packing or pressing hides or skins.*

License-holder to lime-wash interior periodically.

26. Every person who may have obtained from the Commissioner a license for the use of any premises for the purpose of storing, packing, or pressing hides or skins, shall cause every part of the internal surface of the walls and ceiling of every building upon the said premises to be thoroughly lime-washed twice at least in every year, or oftener if so required by the Commissioner.

To maintain ventilation in good order.

27. He shall cause every such means of ventilation as may be provided in or in connection with the said premises to be maintained at all times in good order and efficient action.

Buildings used for storing not to be inhabited.

28. He shall not permit or suffer any building upon the said premises in or upon which any hides or skins are stored or kept, to be used for human habitation.

Not to apply to storage of leather or skins properly tanned.

29. Provided, however, that nothing in this Chapter shall be deemed to apply to the storing of leather or skins properly tanned and dressed.

## CHAPTER V.

*Premises used for storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever any of the following articles, viz.:—*

| | |
|---|---|
| *Cotton refuse or seed,* | *Hoofs,* |
| *Fins,* | *Hair,* |
| *Fish,* | *Rags,* |
| *Horns,* | *Wool.* |

License-holder to keep premises thoroughly clean.

30. Every person who may have obtained from the Commissioner a license for the use of any premises for the purpose of storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever any of the following articles, *viz.*:—

| | |
|---|---|
| Cotton refuse or seed, | Hoofs, |
| Fins, | Hairs, |
| Fish, | Rags, |
| Horns, | Wool, |

shall cause the said premises to be cleansed from time to time as often as may be necessary to prevent any accumulation of filth or refuse therein.

To cause interior of walls and ceiling to be lime-washed periodically.

31. He shall cause every part of the internal surface of the walls and ceiling of every building upon the said premises to be thoroughly lime-washed twice at least every year, or oftener if so required by the Commissioner.

32. He shall cause every drain or means of drainage upon or in connection with the said premises to be maintained at all times in good order and efficient action.

To maintain drainage in good order.

33. He shall cause every such means of ventilation as may be provided in or in connection with the said premises to be maintained at all times in good order and efficient action.

To maintain ventilation in good order.

34. He shall at all times adopt and cause to be maintained in good order and efficient action upon the said premises all such appliances or means, as the Commissioner may from time to time require, for the purpose of preventing, abating, or minimizing any nuisance or annoyance, to the neighbourhood, or to the public, from the use to which the said premises are put.

To adopt and maintain appliances, &c., for preventing nuisance.

35. He shall not permit or suffer any building upon the said premises, in or upon which any of the said articles is or are stored or kept, to be used for human habitation.

Buildings used for storing not to be inhabited.

Provided, however, that nothing in this Chapter shall be deemed to apply to the keeping or storage of any of the articles aforesaid after the preparation or manufacture thereof has been fully completed.

Not to apply to storage of fully manufactured articles.

## CHAPTER VI.

*Premises used for keeping horses, cattle or other four-footed animals for sale or hire or for sale of the produce thereof.*

36. Every person who may have obtained from the Commissioner a license for the use of any premises for the purpose of keeping horses, cattle, or other four-footed animals for sale or hire, or for sale of the produce thereof, from time to time, whenever required by the Commissioner, furnish a statement in writing, containing the name of each of the persons who owns any of the horses, cattle, or other four-footed animals for the time being kept in the said premises, and the number or respective numbers of each class of animals so owned by him or them.

License-holder, if required, to furnish names of all owners of animals stabled.

37. He shall not cause or suffer the dung of any horses, cattle, or other four-footed animals kept on the said premises to be deposited in such a situation or in such a manner as to pollute any water supplied for use, or used, or likely to be used, by man for drinking or domestic purposes, or any water used or likely to be used by milch cattle or horses or other four-footed animals, or in any dairy, or for cleansing or washing vessels used or intended for milk.

Dung not to be deposited so as to pollute water.

38. He shall cause the floor of every building used, or to be used, for stabling horses or cattle, to be paved or made with suitable material and sloped to the satisfaction of the Commissioner, so as to prevent any soakage into the ground of urine or other filth.

Floors to be paved so as to prevent soakage.

39. He shall provide upon, or in some convenient place in the immediate neighbourhood of, the said premises, a suitable receptacle or receptacles to the satisfaction of the Commissioner, for dung, manure, soil, filth, or other offensive or noxious matter which may from time to time be produced in the keeping of any such horses, cattle, or other four-footed animals as aforesaid upon the premises.

Receptacle for dung, &c., to be provided.

He shall cause such receptacle or receptacles to be constructed so that the bottom or floor thereof shall not in any case be lower than the surface of the ground adjoining such receptacle.

With floor not lower than surface of adjoining ground.

He shall also cause such receptacle or receptacles to be constructed in such a manner and of such materials and to be maintained at all times in such a condition as to prevent any escape of the contents thereof, or any soakage therefrom, into the ground or into the wall of any building.

To be so constructed as to prevent escape or soakage of contents.

He shall cause such receptacle or receptacles to be furnished with a suitable cover.

To be furnished with cover.

40. He shall also provide upon, or in connection with, the said premises, if used for keeping horses or cattle, a paved space to the satisfaction of the Commissioner, on which such horses or cattle can be washed.

Paved space for washing cattle to be provided.

41. He shall cause every drain or means of drainage upon, or in connection with, the said premises to be maintained at all times in good order and efficient action to the satisfaction of the Commissioner.

Drainage to be maintained in good order.

42. He shall once at least in every day cause the said premises to be thoroughly cleansed and flushed, and shall cause to be removed from the receptacle or receptacles provided in accordance with the requirements of Bye-law 39 all dung, manure, soil, filth, urine, or other offensive or noxious matter produced in or upon the said premises, and placed or accumulated in such receptacle, and shall cause the same to be deposited in such place or places as the Commissioner shall from time to time direct.

Premises to be thoroughly cleansed daily.

43. Stables for horses or cattle shall not be less than 12 feet in height, measuring from the floor to the wall plate, and if for one row for animals the breadth shall not be less than 12 feet, measuring from the outside of the manger to the opposite wall, and if for a double row of animals not less than 25 feet, measuring from one manger to the other, if the mangers are placed against the external walls, and not less than 24 feet in breadth, measuring from the external walls, if the mangers are placed in the centre of the stable, and the space to be allowed to each horse shall not be less than 7 feet in width, and for each bullock, cow or buffalo not less than 3½ feet in breadth.

44. He shall not cause or suffer a greater quantity of hay, grass, or straw to be kept or stored on the said premises at any one time, than will suffice to meet the requirements of four days of the animals stabled therein.

Not more than four days' supply of hay, grass or straw to be stored at any one time.

He shall not by storing the hay, grass, or straw encroach on, or diminish, the minimum space for animals prescribed by the last preceding condition.

No fires to be allowed near hay, &c.

He shall not cause or allow any fire to be lighted in any portion of the premises near to any hay, grass, or straw stored therein.

## CHAPTER VII.

*Premises used for storing for other than domestic use or selling timber or firewood.*

45. A person who may have obtained from the Commissioner a license for the use of any premises for the purpose of storing for other than domestic use, or selling, timber or firewood shall not cause or suffer any timber or firewood to be stacked or piled upon the said premises against the wall of any building.

Timber and firewood not to be stacked against walls.

He shall not cause of suffer any timber or firewood to be stacked on the said premises to a greater height than 30 feet, if in an open space, or to a greater height than 20 feet, if in a building or confined space.

Maximum height for stacking.

He shall not cause or suffer any timber or firewood to be stacked upon the said premises within the distance of 20 feet from a street or passage, unless and until he shall have taken, if so required by the Commissioner, special precautions to prevent the falling of any such stack.

Precautions in case of stacking near street.

He shall not, except during the monsoon season and with the previous permission in writing of the Commissioner, cause or suffer any covering consisting of cadjan, jowli, or other inflammable material to be erected, placed or kept over any portion of the said premises.

No inflammable coverings except during monsoon and with sanction.

46. He shall at all times keep the premises clean and dry to the satisfaction of the Commissioner.

Premises to be kept clean and dry.

47. In case he shall receive from the Commissioner a written notice, intimating the opinion of the Commissioner that the purpose for which the said premises are being used or the manner in which the same are being so used is, or is likely to be, from any cause, a source of danger or nuisance to persons residing in or resorting to the neighbourhood, he shall forthwith comply with any requisition contained in such notice for the total or partial discontinuance upon the said premises of the storing for other than domestic use, or for selling of timber or firewood, or for the total or partial removal of the timber or firewood, or any part thereof, from the premises.

On notice from Commissioner that danger or nuisance caused, storage to be wholly or partly discontinued as required.

## CHAPTER VIII.

### *Premises used for storing for other than domestic use, or selling, hay, grass, or straw.*

Maximum height for stacking hay, grass or straw.

48. A person who may have obtained from the Commissioner a license for the use of any premises for the purpose of storing for other than domestic use, or selling hay, grass, or straw, shall not cause or suffer any hay or grass or straw to be stacked or heaped on the said premises, to a greater height than 50 feet.

He shall not cause or suffer any fire to be lighted or used upon the said premises, nor shall he permit any smoking therein.

Water tanks to be provided.

49. Every person who may have obtained from the Commissioner a license for the use of any premises for the purpose of storing for other than domestic use, or selling, hay, grass, or straw shall, if so required by the Commissioner, lay a water main of such size as may be prescribed by the Commissioner, from the nearest Municipal main to the said premises.

Space to be left round each stack.

50. He shall leave a clear space or passage of not less than 5 feet in width round each stack or heap.

Premises to be kept clean and dry.

51. He shall at all times keep the premises clean and dry to the satisfaction of the Commissioner.

On notice from Commissioner that danger or nuisance caused, storage to be wholly or partly discontinued as required.

52. In case he shall receive from the Commissioner a written notice intimating the opinion of the Commissioner that the purpose for which the premises are being used or the manner in which the same are being so used is, or is likely to be, from any cause, a source of danger or nuisance to persons residing in or resorting to the neighbourhood, he shall forthwith comply with any requisition contained in such notice for the total or partial discontinuance upon the said premises of the storing for other than domestic use, or selling of hay, grass or straw, or for the total or partial removal of the hay, grass or straw or any part thereof respectively from the premises.

*Under clause (g) :—With respect to the inspection of Milch Cattle and the construction, dimensions, ventilation, lighting, cleansing, drainage, and water-supply, of Dairies and Cattle Sheds in the occupation of persons following the trade of Dairymen or Milk-sellers.*

License-holder (in addition to preceding Bye-laws).

1. Every person who may have obtained from the Commissioner a license for the use of any premises for the purpose of a dairy or cattle shed for the stabling of milch cattle shall, in addition to the requirements prescribed by the foregoing Bye-laws with respect to "premises used for keeping horses, cattle or other four-footed animals for sale or hire or for sale of the produce thereof," comply with the following regulations ;—

He shall, whenever required by the Commissioner, bring out or cause to be brought out from such stable for the purpose of inspection all or any of the milch cattle which may for the time being be stabled therein, and shall provide every such facility as may be required for enabling the person making such inspection to thoroughly examine the said animals or any of them.

To bring out animals for inspection if required.

2. He shall provide a sufficient supply of water to the said premises from a Municipal main and shall not, without the previous approval in writing of the Commissioner, cause or suffer any water drawn from a well to be used for or supplied to the animals stabled in the said premises.

Water-supply to be provided. Well water not to be used.

3. If the said premises do not fulfil the requirements of the next succeeding Bye-laws respecting new dairies and cattle sheds, he shall so far alter the said premises, or any part thereof, as the Commissioner shall from time to time by notice in writing require, for the purpose of bringing the same into conformity, so far as may be deemed necessary, with the said requirements or any of them.

Any of the requirements of Bye-laws as to new dairies and cattle sheds may be enforced.

4. Every person who shall erect a new dairy or cattle shed for the stabling of milch cattle belonging to dairymen or milksellers shall (subject to any alteration or modification previously approved in writing by the Commissioner) construct the same in accordance with the following rules:—

Regulations for construction of new dairies or cattle sheds.

(*a*) The building shall be open on all sides, but may be fitted with such sheds or screens as may in each case be approved by the Commissioner for the purpose of affording protection from sun or rain.

Building to be open.

(*b*) The roof shall be tiled or covered with corrugated sheet iron and shall be supported by wooden posts or iron columns.

Roof.

(*c*) The floor shall be paved throughout with suitable stone and the paving shall be so sloped as to ensure effectual drainage.

Floor.

5. Every person who shall erect a new dairy or cattle shed for the stabling of milch cattle belonging to dairymen or milksellers shall provide and maintain all round such dairy or cattle shed an open space of not less than 15 feet in width.

Open space to be provided all round.

He shall not erect any portion of such dairy or cattle shed within a distance of 20 feet from any street or passage.

Not to be nearer to a street, &c., than 20 feet.

6. Every person who shall erect a new dairy or cattle shed for the stabling of milch cattle belonging to dairymen or milksellers shall construct an open ovoid drain throughout such dairy or cattle shed of such materials and dimensions, with such fall, and in such manner in all respects as the Commissioner shall require, and shall con-

Drain.

nect such drain with such sewer, or other means of a drainage, or cesspool, as the Commissioner shall direct.

*Under clause (h) :—For securing the cleanliness of Milk Stores, Milk-shops and Milk Vessels, used by persons following the trade of Dairymen or Milk-sellers.*

1. A dairyman or milk-seller shall not sell or keep milk in any dwelling-house, or room or place used for sleeping or cooking.

Milk not to be sold in dwelling-houses, &c.

2. Every dairyman and milk-seller shall cause every part of the internal surface of the walls and ceilings of every room or place in which milk is kept or sold by him, to be thoroughly lime-washed twice at least in every year, or oftener if so required by the Commissioner.

Internal surfaces of walls and ceilings to be lime-washed periodically.

He shall also cause the floor of every such room or place, and every counter, shelf, or bench on which milk vessels are kept, to be washed and thoroughy cleansed daily.

Floors, counters, shelves, &c., to be cleansed daily.

3. Every dairyman and milk-seller shall cause every vessel used in his milk shop, or in the distribution of his milk, to be rinsed with water and thoroughly cleansed before and after use.

Milk vessels to be rinsed and thoroughly cleansed before and after use.

4. Every dairyman and milk-seller shall use and permit to be used for the washing and cleansing of milk vessels, such water only as is drawn from a Municipal main, or from a well to be previously approved in writing by the Commissioner.

Water from Municipal mains and approved wells only to be used for washing milk vessels.

*Under clause (j):—Requiring notice to be given whenever any milch animal is affected with any contagious disease and prescribing precautions to be taken for protecting milch cattle and milk against infection or contamination.*

1. Every owner of milch cattle shall, in case of any outbreak of sickness among such cattle, give immediate notice thereof to the Health Department Inspector of the District in which the animals are kept, and shall also at once remove any sick animal from contact with other animals which are not sick and keep it apart in such place as may be approved by such Inspector, pending the orders of the Commissioner, or in case there shall be no suitable place on the premises where sick animals can be conveniently segregated, he shall, pending such orders as aforesaid, remove any such sick animal to some other place approved of by such Inspector.

Immediate notice to be given of any outbreak of sickness, and sick animals to be segregated.

He shall, immediately on receipt of the Commissioner's orders in regard to the segregation or disposal of such animal, comply with and carry out such orders.

Commissioner's order as to segregation, &c., to be carried out.

2. Every owner of a milch animal stabled in any Municipal milch cattle stable shall in case of such animal becoming sick, give immediate intimation thereof in the first instance to the Rámosis in charge, who will have the sick animal at once removed from the stable and tied up in some convenient place pending the Commissioner's order for its disposal.

Sickness in a Municipal milch cattle stable to be reported in first instance to Rámosi in charge.

He shall immediately on receipt of the Commissioner's orders in regard to the segregation or disposal of such animal, comply with and carry out such orders.

Milk of diseased animals not to be sold or used for domestic purposes.

3. An owner of a milch animal suffering from any form of disease shall not permit the milk of such animal to be sold or used for domestic purposes until he shall receive the sanction in writing of the Commissioner in that behalf.

No persons suffering from dangerous or infectious disease to be permitted to sell or distribute milk.

4. A dairyman or milk-seller shall not permit any person suffering from any dangerous or infectious disease to sell or assist in the sale or distribution of milk, but shall at once cause every such person to be removed from the vicinity of the premises in which milk is stored or sold.

No person engaged in sale or distribution of milk to come in contact or communicate with diseased persons.

5. A person engaged in selling or assisting in the sale or distribution of milk shall not knowingly come in contact or communication with any person suffering from any dangerous or infectious disease.

*Under clause (p):—For regulating the disposal of the dead and the maintenance of all places for the disposal of the dead in good order and in a safe sanitary condition.*

1. A person shall not, without the previous written permission of the Commissioner, cause to be erected or put up in any burying ground, under the immediate control and management of the Commissioner, any tomb stone or other permanent mark showing the position of any grave.

2. In every case where in any place for the disposal of the dead the body of a person has been buried without coffin, a person shall not, at any time within a period of 12 months after the date of the burial of the body, cause or suffer the grave to be opened for another interment.

3. In every case where in any place for the disposal of the dead the body of a person has been buried in an unlined wooden coffin, a person shall not, at any time within a period of 18 months after the burial of the body, cause or suffer the grave to be opened for another interment.

4. In every case where in any place for the disposal of the dead the body of a person has been buried in a coffin composed of or lined with tin, lead, or other metal, a person shall not, at any time within a period of seven years after the date of the burial of the body, cause or suffer the grave to be opened for another interment.

5. Every person who, in any place for the disposal of the dead, causes a grave to be made or opened shall comply with the following rules:—

(*a*) All graves shall, so far as practicable, be made in regular lines.

(*b*) Every grave shall be properly filled in immediately after the deposit therein of the body or coffin, and any subsequent subsidence of the earth filling shall be carefully made up, particularly during and after the rainy season.

6. Every owner or person having the control of the place for the disposal of the dead shall cause the same to be kept clean and in good order and shall cause all rank vegetation to be regularly removed.

7. No person shall retain a corpse on any premises, without burning, burying, or otherwise lawfully disposing of the same, for more than 24 hours after death, except in the case of judicial enquiry.

8. A person having charge of any corpse intended for removal to Kerbela or other place of disposal outside British India shall not in any respect contravene the following prohibitions and rules or any of them :—

(*a*) No such corpse shall be retained on any premises other than a registered place of burial.

(*b*) No such corpse shall, without the special sanction of the Commissioner, be retained for a longer period than two months.

(*c*) Every such corpse shall be so enclosed in a suitable dammered box, soldered metal case, coffin, or other covering as not to be or to cause nuisance or danger to the public health by the escape of any noxious gas or otherwise.

(*d*) In case any such corpse shall, during the time it is awaiting removal, be found to be offensive or otherwise a nuisance, immediate steps shall be taken to have the coffin or other covering put into proper order in such a manner as to render the corpse completely inoffensive.

9. A person having charge of any coffin containing a corpse intended to be removed beyond the limits of the City of Bombay by sea or rail shall cause such coffin to be protected by an outer casing or cover so as effectually to guard the same against damage in transit.

10. A person having charge of any coffin containing a corpse intended for transport beyond the limits of the City of Bombay shall not cause or suffer the same to be removed except under a certificate assigned by the Health Officer stating that such coffin is in a fit state to be removed.

11. For the disposal of the dead in every burial and burning ground belonging to the Municipality and under the immediate management and control of the Commissioner, fees shall be charged in accordance with the following scale :—

## A

*Mahárs and other Low Castes.*

| | | Rs. | a. | p. |
|---|---|---|---|---|
| 1. | Sitting posture, adults whole or half grave ... ... | 2 | 0 | 0 |
| 2. | Ordinary posture, adults ... ... ... | 0 | 4 | 0 |
| 3. | Ordinary posture, children of 5 years and under (half grave) . | 0 | 2 | 0 |
| 4. | Ordinary posture, children over 5 years (full grave) ... | 0 | 4 | 0 |

*Other Classes.*

| | | Rs. | a. | p. |
|---|---|---|---|---|
| 1. | Sitting posture, adults ... ... ... | 2 | 0 | 0 |
| 2. | Ordinary posture, adults ... ... ... | 1 | 0 | 0 |
| 3. | Ordinary posture, children of 5 years and under (half grave) ... ... ... ... ... | 0 | 8 | 0 |
| 4 | Ordinary posture, children over 5 years (full grave) ... | 1 | 0 | 0 |

PENALTIES.

Every person who shall commit any breach of any of the foregoing Bye-laws made under Clauses (*a*), (*b*), (*f*), (*g*), (*h*), (*j*), or (*p*), of Section 461 of the Act shall be punishable with fine, which may extend to Rs. 20, and in the case of a continuing breach, with fine, which may extend to Rs. 10 for every day after conviction for the first breach or, after receipt of written notice from the Commissioner to discontinue the breach, during which the breach continues.

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FEES PAYABLE ON APPLICATIONS, APPEALS OR REFERENCES MADE UNDER THE ACT TO THE CHIEF JUDGE OF THE COURT OF SMALL CAUSES OF BOMBAY.

*Notn. No. 4010, General, dated 14th November 1888, B. G. G., 1888, Pt. I, p. 954.*

In exercise of the power conferred by sub-sections (1) and (2) of Section 503 of the City of Bombay Municipal Act, 1888, the Governor in Council is pleased—

(1) subject to the proviso to sub-section (1) of the said section, to prescribe the following fees to be paid on applications, appeals or references made under the said Act to the Chief Judge of the Court of Small Causes of Bombay, *viz.*:

(*a*) on every application, appeal or reference made under Sections 18, 20, 33, 217, 244, sub-section (3), 301, sub-section (4), 503, or 507 of the said Act, a fee of ten rupees: Provided that when any reference under Section 503 relates to a demand by the Municipal Commissioner for payment of expenses of which the amount does not exceed Rs. 180, the fee shall be at the reduced rate of one rupee for every Rs. 20 or fraction of Rs. 20 of the said amount;

(*b*) on every application made under Section 504 of the said Act, the same fee which would be leviable under the Presidency Small Cause Courts Act, 1882, on the institution of a suit for the recovery of a sum of the like amount as that to which such application refers or if the amount exceeds Rs. 2,000, the same fee which would be leviable on a plaint in a suit in the Small Cause Court for Rs. 2,000;

(*c*) on every summons and other process issued in any proceeding under any section other than 504 of the said Act, a fee of one rupee; and on every summons and other process in any proceeding under Section 504, a fee of the same amount as would be payable in respect of such summons or process under the Presidency Small Cause Courts Act, 1882, in a suit for a like amount: Provided that if the proceeding under Section 504 be in respect of a sum exceeding Rs. 2,000, the fee leviable on every summons and other process shall be the fee leviable for such summons or process in a suit for Rs. 2,000 under the Presidency Small Cause Courts Act, 1882;

(2) to determine that any fee prescribed under clause (*a*) or clause (*b*) of para. 1 of this Notification shall be payable in the first instance by the person presenting the application, appeal, or reference on which such fee is to be paid, the ultimate liability for the same being subject to any order which the said Chief Judge may pass under Section 508, sub-section (3), of the said Act.

## ORDER UNDER BOMBAY ACT VI OF 1888.

### (GUJARA'T TA'LUKDA'RS.)

APPOINTING THE COLLECTOR OF PANCH MAHÁLS TO EXERCISE POWERS UNDER SECTIONS 27 (1), 28 AND 31 OF THE ACT.

*Notn. No. 2512, Revenue, dated 20th April 1900, B. G. G., 1900, Pt. I, p. 883.*

The Governor in Council is pleased, for the purposes and in the behalf specified in sub-section (1) of Section 27, in Section 28 and Section 31 of the Gujarát Tálukdárs' Act, 1888, to appoint the Collector of the district of the Panch Mahals by virtue of his office, to be within the said district an officer—

(*a*) subject to the proviso in sub-section (2) of the Section 27 aforesaid to hold, with the sanction of the Commissioner, an estate within the said district in which a partition is being effected, under his own management, pending the completion of the partition;

(*b*) to take charge, with the sanction of Government, of a Tálukdárs Estate within the said district, upon a written application from the Tálukdár in his behalf, and to keep the same under his management for such period as may be agreed upon between the said Tálukdár and such officer, subject to the proviso in the Section 28 aforesaid;

(*c*) to give such written consent to an incumbrance made on a Tálukdár's Estate within the said district as is required for its validity by the Section 31 aforesaid.

## ORDERS UNDER BOMBAY ACT I OF 1889.

### (VILLAGE SANITATION.)

DIRECTING THAT THE ACT SHALL CEASE TO BE IN OPERATION IN CERTAIN VILLAGES IN THE PANCH MAHA'LS DISTRICT.

*Notn. No. 2135, General, dated 27th May 1895, B. G. G., 1895, Pt. I, p. 635.*

In exercise of the powers conferred by Section 5, clause (1), of the Bombay Village Sanitation Act (I of 1889), the Governor in Council is pleased to direct that the said Act shall cease to have operation in the undermen-